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# **SAN FRANCISCO**

## **PLANNING COMMISSION**

### **Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place**

**Thursday, July 15, 2004**

**1:30 PM**

**Regular Meeting**

**DOCUMENTS DEPT.**

**SEP - 9 2004**

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**COMMISSIONERS PRESENT:** Michael J. Antonini, Kevin Hughes, Sue Lee, William L. Lee,  
Christina Olague

**COMMISSIONERS ABSENT:** Shelley Bradford Bell

**THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:40 p.m.**

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning; Craig Nikitas – Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Amit Ghosh; Jean Paul Samaha; Miriam Chion; Teresa Ojeda, Susan Exline; Johnny Jaramillo; Jasbir Rubin; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

#### **A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0363CD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 209.1 to allow up to one dwelling unit per 1,500 square feet of lot area, resulting in three dwelling units on a 5,000 square-foot lot in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The project is also subject to a mandatory Discretionary Review hearing per the Planning Commission's Residential Demolition Policy.

Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to August 5, 2004)**

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to August 5, 2004

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

- 2a. 2003.0363CD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of residential demolitions, of Building Permit Application No. 2003.10.06.6594 proposing to demolish a one-story, four-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve demolition.  
**(Proposed for Continuance to August 5, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to August 5, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

- 2b. 2003.1283CD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2003.10.06.6596 proposing to construct a four-story, three-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.  
**(Proposed for Continuance to August 5, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to August 5, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

3. 2003.1110T (C. NIKITAS:(415) 558-6306)  
REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress **Adoption of an ordinance amending the San Francisco Planning Code** by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.  
Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.  
(Continued from Regular Meeting of June 24, 2004)  
**(Proposed for Continuance to September 23, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to September 23, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

4. 2003.1109D (E. TOPE: (415) 558-6316)  
2226 CALIFORNIA STREET - north side between Buchanan and Webster Streets; Lot 007 in Assessor's Block 0637 - **Request for Discretionary Review** of Building Permit Application No. 9919696, proposing to construct a four-car garage in the basement of, and construct a two story rear addition, including a roof deck at the third floor level, to a

three story over basement, existing three-unit building located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the application.

(Continued from Regular Meeting of May 6, 2004)

**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Without hearing, item continued to August 5, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

5. 2003.0607C (T. TAM: (415) 558-6325)

306 RANDOLPH STREET - north side of Randolph Street, between Ramsell and Victoria Streets, Lots 51 and 56 in Assessor's Block 7088 - **Request for Conditional Use authorization** pursuant to Planning Code Sections 209.3(c), 710.11, and 710.21 to establish an institutional use (residential care facility for up to 56 persons) in an existing two-story commercial building currently owned and occupied by the Yeo Lai Sah Buddhist Temple. The project will also include a lot line adjustment between Lots 51 and 56. The property is located in NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

**WITHDRAWN**

SPEAKER(S): None

ACTION: Without hearing, item continued to August 5, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

6. Consideration of Adoption – Draft Minutes of June 17, 2004.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee

ABSENT: Bradford Bell

EXCUSED: W. Lee and Olague

7. Commission Comments/Questions

**Commissioner Sue Lee:**

*Re: Position of Planning Director*

- She requested that an item be placed on the agenda to discuss a process for reviewing the position of planning director, evaluating the director's performance, determining qualifications for the position and recruiting and considering potential candidates.

- She would like to have this item scheduled when all six Commissioners are present or at the meeting of August 5, 2004. Commissioner Bradford Bell is aware of this. She [President Bradford Bell] has formed a committee of three to follow through on some of the search and recruitment activities in between the meetings. The members of this committee would be Commissioner Bradford Bell, Commissioner Antonini and myself. She [President Bradford Bell] designated Commissioner Hughes as an alternate to this committee.

**Commissioner William Lee:**

*Re: City Stat*

- Next week the Planning Department is scheduled to begin the first City Stat meeting. He would like to see copies of the information that is provided to the Mayor's office so they are on the "same page." The City is to provide a spreadsheet of the number of people that are out on sick leave, the number of days that are taken off, the people on vacation, the number of FTEs in the department, and the number of contracts that the department puts out.

*Re: Controls or Policies [for the Mission]*

- He was taken by the item because he expected to hear the item and he felt that the Planning Staff was not given the opportunity to voice their concerns. Is there a communication issue between the staff and the Commission? Could this be addressed during the Director's Report or right after Commission comments?

**Commissioner Antonini:**

*Re: Letter from Toby Levine*

- There is a letter from her regarding the Interim rules. She had a lot of practical and thoughtful remarks.  
- The practicality he found was very good.

*Re: Request Previously Made*

- There was a request by Mary Murphy in February regarding whether these controls are applicable under state law. He has not received an opinion from that.

**SPEAKER(S):**

**Amit Ghosh**

Thank you for giving us this opportunity which was denied us at the last hearing. Two weeks ago in an exaggerated public gesture the Commission cited incomplete and inadequate staff work as the reason for continuing action on the interim rules for the Eastern Neighborhoods. Everyone present at the hearing was allowed to speak except for staff. Commissioners, I am ready to accept all responsibility for staff work and performance under my supervision and my record is clear on that and speaks for itself. However, I am completely puzzled as to what lapses there might have been on staff's part. I have therefore asked staff to prepare an account and chronology of events, Commission requests and staff responses that pertain to the hearing of two weeks ago on the Eastern Neighborhood Rules.

**Johnny Jaramillo**

We would basically like to clarify any miscommunication so that a decision can be made on September 2, 2004. To that end, we are presenting this statement of facts:

On March 25, Commission President Bell asked to reopen the matter of setting Interim Zoning Rules for the Mission. Commissioner Bell expressed urgency and requested staff to schedule meetings with Commissioners. Following these meetings, a hearing by the Commission was scheduled for June 3 and a staff memorandum containing the proposed interim rules was submitted to the Commission on May 27. On July 1, the hearing on the Mission Zoning Rules were again continued, this time to September 2. On June 3, the scheduled meeting was continued to July 1, though no reason was provided for the continuance. The commissioners had at least a month to review the proposed rules. On the matter of the Commissioner's requests--which Commissioner Bell falsely accused the staff of not fulfilling and therefore holding back Commission action on the interim rules for the Mission--we would like to respond as follows: At the May 14 meeting with staff, Commissioner Sue Lee requested a new map of the Eastern Neighborhoods larger than that provided at the February 12 hearing showing the Interim Zoning Policies applying to the Eastern Neighborhood. Copies of this larger map was submitted to Commissioners on June 24. On June 3, Commissioner Antonini requested staff carry out exit interviews with firms that have left San Francisco. He provided a list for staff to contact on June 9. The survey of former San Francisco businesses was submitted to Commissioner Antonini on June 29. On June 3, Commissioner Sue Lee requested a list of projects that have

been pending since Interim Policies were adopted. This list was prepared but staff was not able to submit this at the July 1 hearing. Commissioner Sue Lee later clarified her map request. This time asking for a map that shows only the three overlays discussed at the February 12 hearing. A new map was prepared and was to be submitted at the Commission hearing on July 1 but again staff was not allowed to do so. It was not until July 1 when the continuance to September 2 was proposed that it was made public that the postponement was on account of staff's proposed inability to comply with the Commission's request for additional information. Commissioner Bell even rebuffed and denied staff's attempt to respond to this accusation. In addition, at the July 1 hearing, Commissioner Antonini restated his earlier request to staff regarding new PDR firms that have recently started or recently relocated to San Francisco. We would like to remind the Commission that staff has fulfilled this request to the extent possible. At various times including at the public hearing on February 12, staff has stated that a detailed list of business names from the assessors office is confidential information. As we have already informed the Commission, this assertion is backed up by consultations with the City Attorney's Office. We would like to call to the Commission's attention, that by the time of the September 2 hearing, some 23 weeks and almost 6 months will have elapsed since Commissioner Bell reopened the case. San Francisco deserves effective planning. If there are errors in our understanding and responsiveness to the Commission, we hope that the ensuing dialogue will clarify these points to ensure that on September 2 a decision will be made. Policies or Controls, the decision is yours to make. If you don't like the language in the proposed Interim Rules, you can change it. If you disagree with staff's recommendation on where to apply the different interim zones, you can change the maps as well. It is within your power to do so. A decision on the small interim step, lasting a mere 18 months, must be made if permanent zoning is ever to be adopted. Thank you.

**Miriam Chion**

You have heard that our last hearing on the Eastern Neighborhoods has left us extremely concerned about our professional standards and our ability to plan for the City. The statement that the Commission made about staff's inability to provide information, and that being the reason for continuance, comes to us as a surprise and also as a major disappointment. We felt and we believe we have responded to the Commission's request. You have asked for maps, we have provided maps. You have asked for data, we have provided data. We have provided all the information that we are allowed to provide you within the legal boundaries that the City Attorney has established for us. There are additional requests that will be delivered to you as soon as we can. After the adoption of the Interim policies on February 12 for the Eastern Neighborhoods, we have prepared specific interim rules for the Mission for the June hearing, we did not hear any comments or questions on that report. After that, we revised and added some minor changes as stated before and a few changes in the language to allow for greatest development flexibility. The complaint from the Commission, we believe, was aggravated by the acting Director's inability to take responsibility for the reports we release. We believe that the director is responsible for any report released by the department. He can choose to stop the release of a report as it has been done before many times. The Director cannot instruct staff to prepare a memo and then remove his name from such document. The false use of staff performance as an excuse to delay the process once more is not acceptable professional standards. This working condition is not acceptable to staff not only because of our ethical and professional standards but also because the City and our communities are severely impacted by our dysfunctional planning process. Commissioners, we have spent by now seven years trying to rezone the Eastern Neighborhoods. We have spent probably by now hundreds of thousands or millions of dollars. We have generated thousands of pounds of reports. Many families have left the City. Many businesses have left the City. Many developers have lost money.

**C. DIRECTOR'S REPORT****8. Director's Announcements*****Re: Budget***

- He had hoped to talk about the budget process but today is not the day to do so because the budget is still evolving.
- There have been changes at the last minute.
- The Board continued the budget item until next week.
- It would be more appropriate to talk about the budget next week.

**9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals****BOS –****Land Use Committee*****Re: Ordinance to Amend the Planning Code***

- The committee passed an ordinance sponsored by Supervisor Daly that amends the Planning Code to reduce the basic Floor Area Ration, or FAR in the CM Districts, from 9 to 1 to 3 to 1 in CM Zoning Districts. The Commission had voted +4-0 on May 6, 2004 to recommend disapproval. The Committee voted +2-0 to pass it out to the full Board.

***Re: 55 Ninth Street***

- This general plan amendment was approved and passed to the full Board.

***Re: Budget***

- The budget will be heard at the BOA next Tuesday and there might be changes.

**BOA –*****Re: 309 Cortland Avenue – Charlie's Club***

- The Commission voted on this case on April 22, 2004 for a change of use, adding live entertainment and physical expansion. The Commission voted +5-2 to let the project go forward with conditions that resulted in 14 notice of special restrictions that limited the operation of the club.
- There were five appeals at BOA, and the vote was +4-0 to uphold all the permits and determinations. The BOA did modify some of the conditions the Commission imposed. 1) removing Thursday evening as one of the longer periods for later hours and putting it in with the other weekday groups; 2) Sunday to Thursday were reduced to 10:00 p.m.; 3) there were some restrictions on the location of speakers; 4) additional soundproofing requirements.

***Re: 3196 Pacific Avenue***

- The Board voted to uphold the Commission's decision with a condition that one of the windows in the appellant's property be obscured.

**D. CONSENT CALENDAR**

***NOTE: Guidelines for a Consent Calendar were not established. This item was heard as part of the Regular Calendar.***

10. 2004.0555U (M. LUELLEN: (415) 558-6478)  
801 MISSION STREET-south side between 4<sup>th</sup> and 5<sup>th</sup> Street, Lot 3724 in Assessor's Block 067. Request to erect business signs on the ground floor of the 5<sup>th</sup> and Mission Streets City-owned public parking garage under Sign Permit Number 2004.04.19.1614. The proposal is to legalize an already erected single faced illuminated wall sign that measures 1'10" x 10'1" on the ground floor of the parking garage's Mission Street façade. Two single faced illuminated cabinet signs measuring 2'0" x 4'6" have been placed in the storefront window. Planning Code Section 605 requires that the Planning Commission approve or disapprove all applications for permits to erect business signs in P (Public)

Districts. The property is located in a P (Public) District, and a 90X/340-I Height and Bulk District.

Preliminary Recommendation: Approval

SPEAKERS(S):

(+) Alan Ford

- They submitted an application in April and they were told that the area was part of the redevelopment so they went to the Redevelopment Agency.
- They were then told that it was a Planning Department matter so they went to the Planning Commission.
- So he is not sure what is going on and apologized for the confusion.

ACTION: Approved  
AYES: Antonini, S. Lee, W. Lee, Olague  
NAYES: Hughes  
ABSENT: Bradford Bell  
MOTION: 16834

E. REGULAR CALENDAR

11. 2004.0538T (J. P. SAMAH: (415) 558-6602)
- PLANNING CODE SECTION 312 AMENDMENTS - Consideration of an Ordinance amending the San Francisco Planning Code Section 312 to delete the requirement that changes of use per the use categories of Article 7, and changes of use to a retail coffee stores, as defined in the Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescriptive drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312; to add the requirement that changes of use to a formula retail use be subject to the notification and review procedures of Section 312; to add the requirement that building permit applications for a change of use to a bar, liquor store, walkup facility, full service restaurant, large fast food restaurant, small self-service restaurant, massage establishment, outdoor activity, or adult or other entertainment use, receive review for compliance with Neighborhood Commercial Design Guidelines and have a notice posted on-site for a 15 calendar day period during which the permit will be held pending any request for discretionary review before the Planning Commission; to add the requirement that the Planning Department make available and update every six months its list of neighborhood organizations with interests in specific properties or area; to make findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Adopt the resolution, recommending to the Board of Supervisors to approve the proposed ordinance.

*Re: Continuance*

Marilyn Amini

- When there is a General Plan amendment proposed, Section 302 requires that there be a publication of intent to initiate. There has not been a publication of intent to initiate.
- There is an article in the Independent which is only an announcement of the hearing.
- There are proposed changes to Article 7.
- Many uses are addressed and the public has the right to respond to a change of use.
- This is an exceedingly important item.

*Re: Merits of the Project*

SPEAKER(S):

(+) Any Leighton – Representing Supervisor Gonzalez

- This is a follow up to the Formula Retail Legislation.

Application No. 2003.12.01.1345, proposing to add a second dwelling unit to the existing one unit building. The proposal also includes a third story vertical addition to the existing two-story, single-family dwelling. The property is located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):**

**(-) Clement Chung – Discretionary Review Requestor**

- He is opposed to the proposed project because of the following issues: The addition would block his sunlight; the property value would be decreased; the subject project is a retail property; his parents are retired and they spend a lot of time in the back yard so this would cause a discomfort for them; he has a one year old child and is concerned about the affects of this project on his son; a member of his family suffers from allergies so he is concerned about that.
- Construction will affect his family life.
- He displayed photographs of the block face showing that the proposed project would not be compatible with the neighborhood.
- He displayed photographs of the back yard showing that the landscaping will suffer with the decreased light.

**(-) Ping Wong**

- She is the wife of the Discretionary Review requestor.
- She admires how this block looks.
- The proposed project will affect their privacy.
- They will loose a lot of light.
- There are a lot of problems with the owner. They have not been good neighbors and do not take care of the property.
- She agrees that the project sponsor should fix the house the way it was before the fire.

**(+) Kung Kay Chiu – Structural Engineer**

- There was a fire two years ago so he saved his money to remodel the house.
- He has received calls from neighbors who were concerned with the property.
- He has made various changes to the plans because he has taken into consideration the concerns of the neighbors.

**(+) Raymond Chan – General Contractor**

- It is not true that the project sponsor has not maintained the property.
- There has been a lot of wait time to obtain building permits.

**ACTION:** Took Discretionary Review and disapproved the project as proposed.

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

- 13a. 2003.1226DV (K. MCGEE: (415) 558-6367)  
266-270 14TH STREET - north side of 14th Street, between Mission and South Van Ness Streets, Lot 20 in Assessor's Block 3531- **Request for Discretionary Review** for Building Permit Application 2003.11.26.1242 proposing to change the use of the building from a live/work use to an assembly and entertainment use per Planning Code Section 221. The property is located in a C-M (Heavy Commercial) Zoning District, in a 40-X Height and Bulk District, and in the Housing/Mixed Use area of the Eastern Neighborhoods.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):****(-) My Do – Mission Anti-Displacement Coalition**

- At one time there was an auto repair shop at this location, then it became an art gallery, then it became a dot com. Since the owner resides there, he would like to make the location an entertainment use. Recently the location has been used as an event center without the proper permits although they are trying to get the permits in order.
- There has not been any community communication.
- This project sets a precedent.
- There are already market rate units in the area.
- There will be displacement and gentrification impacts.
- It is important that the Mission community have input into this project.

**(-) Mithril Cox**

- She has been living in the area for eight years.
- When there have been events at this location there have been fights on the street, public urination, etc.
- She is opposed to this use. In the day time she would rather have an art gallery.

**(-) Paul Sedersky**

- He is representing various neighbors who could not come to the meeting.
- There was no hearing notice on the building. He saw it some time ago but not recently.
- There are about 35 signatures of adjacent neighbors and owners who are opposed to the project.
- There have been a lot of illegal events at this location.
- There has been illegal parking, illegal drug dealing, noise, public urination, etc.

**(-) Kristine Roberts**

- She just purchased a home in the area and is concerned about property values going down.

**(-) Kate Shuton**

- She lives in the neighborhood.
- She knows that this area has been through many transitions. It used to be a lot more dangerous neighborhood than it is now.
- She does not want her son to be awakened by drunken men.

**(-) Chris Selig - MAC**

- This project should not be a piece meal thing doing spot zoning.
- A lot of planning has been done by the neighborhood.
- This project opens the door with what they have a problem with: people doing what they want [without community input].
- She urged the Commission to take DR and implement solid policies.

**(-) Charlie Sciammas - MAC**

- This site has had a lot of changes of use.
- This area is the heart of the industrial districts.
- Most people could argue that there are significant impacts in the area.
- The project undermines the community planning work that has been going on.

**(-) Richard Marquez – Mission Agenda**

- He agrees that this project is not consistent with the General Plan.
- The Planning Department needs to look at the Mission comprehensively.
- There are tree market rate projects in the future.
- This project will set in motion everything that they have been fighting against.

**(+/-) Jim Salinas**

- This is a neighborhood he knows very well.
- This neighborhood is in transition and he fully understands what the neighbors are saying.
- The Commission should not get into the habit of putting the Mission into one category.
- The project provides much needed housing for the Mission.
- The neighborhood is moving forward for the better.

**(+/-) Jeremy Nelson – Transportation for a Livable City**

- They support the parking variance.

- Take Discretionary Review to address the issues that have been brought up.

- This is an excellent project from a transportation perspective.

- The area is close to various transportation lines.

- There is plenty of surface parking.

**(-) Judy Letbetter**

- They are really concerned about the change of direction this area is headed for.

- There are about 250 people who are homeless.

- The housing stock is quickly drying up.

- It is important to bring proposed projects in line with the needs of the neighborhood.

- Two percent of new units should be affordable.

**(+) Erik Woodacker – Capella Events Center**

- He displayed photographs of the project location and gave an architectural and engineering description of the project.

- The sponsor does not want to be a night club.

- The conditions cover most of the concerns that the neighbors have.

- Most of the concerns of the neighborhood are of late night parties. The closing time for the event center is 1:00 a.m.

- The location is a permitted use as an art/event center/gallery.

- The events will mostly be: large corporate clients, product launches, forums for meetings, community outreach programs, think tanks, fundraisers for non-profit events, etc.

**(+) Jacqueline Burns**

- This project would reach out to private, corporate, and artists.

- There are people that might be coming from Moscone Center to the location for events that would end about 7:00 p.m.

- They had taken the sign down because it was misaligned but they placed the sign back up again.

- She did a lot of community outreach.

**(+) Darian Heyman – Aurigg, LLC**

- He started working with Capela on various events.

- Capela donated the use of their location for free.

- On March 12, 2004, they had a meeting with various people from the neighborhood as well as MEDA.

- This is more of an art and entertainment center.

**(+) Rene Garcia, Jr.**

- He is a San Francisco artist.

- This project is like a "diamond in the rough."

- There is a lot of craziness in the area but this project will make the area better.

- Many people who are attending conventions at Moscone usually come to the area for a drink.

- This space is very, very beautiful.

- He hopes to see something like this continue.

**(+) Russell Wagner – Work of Art Catering**

- He owns a catering/event planning business.

- He is in favor of Capella's permit being approved.

- There is a shortage of entertainment venues.

- The neighborhood was poisoned by past problems.

- Going forward is what this is all about.

- There are so many places that have valet parking.

**(+) Ryan Geller – Capella Events Center**

- He lives in the Mission and loves it.

- When he brings his family and friends, he always takes them to various events.

- He supports this project.

**(+) Michael Jennings – Small Potatoes Catering**

- He owns a catering business.

- There is a tremendous need for this type of business.

- He strongly supports the approval of this project.
- (+) (name unclear)
- The project could also be used as a workshop for after hours.
- This project is a wonderful opportunity.
- (+) **Elaine Jennings – Concentric Productions, Inc.**
- This event space will bring forward a lot of entertainers, etc
- There are many venues near the proposed project.
- She urged the Commission to approve the project.
- (+) **Sheryl Belansky**
- She is in support of this project.
- She is a property manager adjacent to the project.
- She agrees with the hours of operation imposed on the project sponsor.

ACTION: Hearing Held. Item Continued to September 2, 2004 to allow sufficient time to review the conditions of approval. Public Hearing shall remain open only for the Conditions of Approval.

AYES: Antonini, Hughes, S. Lee, W. Lee  
ABSENT: Bradford Bell  
EXCUSED: Olague

- 13b. 2003.1226DV (K. MCGEE: (415) 558-6367)  
266-270 14TH STREET north side of 14th Street, between Mission and South Van Ness Streets, Lot 20 in Assessor's Block 3531- **Request for an Off-Street Parking Variance** proposing to change the use of the building from a live/work use to an assembly and entertainment use without providing the required parking spaces. The property is located in a C-M (Heavy Commercial) Zoning District, in a 40-X Height and Bulk District, and in the Housing/Mixed Use area of the Eastern Neighborhoods.

SPEAKER(S): Same as those listed for item 13a.

ACTION: Zoning Administrator Closed the Public Hearing and Continued the Item to September 2, 2004.

14. 2003.1285D (T. TAM: (415) 558-6325)  
3340 BAKER STREET - east side between North Point and Bay Streets, Lot 25 in Assessor's Block 0923 - **Request for Discretionary Review** for Building Permit Application No. 2003.08.04.1168s, proposing to construct a new three-story rear horizontal extension with a new roof deck on top to an existing three-story, single-family dwelling. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
(Continued from Regular Meeting of June 3, 2004)

SPEAKER(S):

(-) **Mr. Johnson – Labor Council**

- He agrees with taking Discretionary Review and reducing the height from three stories to two stories.

(-) **Joe Butler – Architect – Representing Discretionary Review Requestor**

- He also agrees with reducing the height of the building.
- The property is located near the Palace of Fine Arts, which makes it a tourist area.
- The project does not support a side set back.
- Thirty-six neighbors have signed a petition to reduce the height.
- The roofline is not compatible with a historic building.
- Almost all of the neighbors are satisfied with staff recommendations.

**(-) Dr. Joseph Presti**

- He purchased his home in 1958.
- He is requesting that the dimensions and composition of the property be made clear.
- His lot is a key lot so this is the only lot of the block that is intruded upon by the adjoining streets.
- There is no roof garden on top of the third floor.
- He hopes that the Commission will support staff recommendation.

**(-) Maureen Dhonad**

- She is happy that there has been a recommendation to reduce the height.

**(-) Paul Lui**

- He has lived on North Point Street for 18 years.
- He is a licensed engineer.
- He has reviewed the plans and suggests that it is a huge yard.
- The addition should be based on the Residential Design Guidelines.
- The area is very crowded already.

**(-) Joan Girardot**

- She agrees with the recommendation of staff.
- The Residential Design Guidelines are not satisfied with this project.
- The Association desires to protect the mid-block open space.
- The project does not comply with good neighbor gestures.
- The addition is not compatible with the other buildings.

**(-) Nicki Szeto**

- She owns property on Baker Street.
- She has been living in the house for over 24 years.
- She appreciates the Planning Department's recommendation.
- There will be 52 weeks of shade upon her back yard because of the height of the building.
- They have been in communication with the project sponsor.

**(-) Rev. Virstan B. Choy**

- He and his wife live on North Point Street.
- They appreciate the new information provided by the Planning Department.
- He would recommend reducing the height and mass of the building.
- He recommended also reducing the depth of the project by 15 feet.

**(-) Heidi Monaco**

- She lives on Marina Boulevard.
- She and her husband purchased their home 25 years ago.
- It is really important to maintain the tourist industry.
- The Italian art deco architecture is very important to preserve that draws tourist every day of the year.
- She hopes that the Commission will accept the recommendation provided by staff.

**(-) Sue Hestor**

- She thanked staff for the staff report.
- Roof decks are not popular in this area because it is mostly always windy and foggy.
- The project sponsor has not made any good neighbor gestures.
- What the neighbors are asking for is basically what staff has recommended.

**(+) Warner Wong – Representing Project Sponsor**

- He believes that there are some misunderstandings.
- The project has been designed with the same scale and design as the neighboring properties
- He has designed the project trying to deal with the neighbor's issues and has done a lot of research.
- The project has been sensitively done.

ACTION: Took Discretionary Review and approved the project with recommendations from Staff: 1) reduce the proposed rear horizontal extension from three to two stories in height; 2) submit a building permit

revision showing elimination of the third floor deck/balcony directly facing the adjacent Discretionary Review requestor's property (north facing elevation); use of clerestory windows and/or opaque glass for the second and third floors facing the adjacent Discretionary Review requestor's property; and use of more transparent material, such as glass for the roof top deck parapet.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell

- 15a. 2004.0621D (J. PURVIS: (415) 558-6354)  
1907 MISSION STREET – east side, south of 15<sup>th</sup> Street; Lot 28 in Assessor's Block 3553 - Planning Commission **initiated Discretionary Review** of Demolition Permit Application No. 2004.01.28.5109, proposing the demolition of a one-story, PDR building formerly occupied by Spencer's Car Radio, in an NC-3 (Moderate-Scale Neighborhood Commercial) Use District, a 80-B Height and Bulk District and within the Eastern Neighborhoods Housing/Mixed-Use Overlay District.  
Preliminary Recommendation: Do not take DR and approve the demolition permit.

SPEAKER(S):

(-) My Do – Mission Anti-Displacement Coalition

- This area will be witness to a lot of development.
- They would like to see a project that is more helpful to the community.
- The project will displace a good company and a lot of workers from the area.
- This is just an argument for interim controls.
- The developer should guarantee to fill the retail space with PDR use or a family-serving business. The developer should accept Section 8 vouchers as well.

(-) Chris Selig – Mission Anti-displacement Coalition

- This area is not a free for all area.
- There have been a lot of huge projects with little or no community benefits.
- The project would increase gentrification.
- They are concerned with the displacement of jobs.
- She asks that the DR get approved and that the project be thought about in context with strategic and community planning.

(-) Richard Marquez

- He wonders if the testimonies are worth anything.
- He supports the Discretionary Review.
- He works in the area and this is a high poverty area.
- The Commission needs to respect the planning process.
- There is a need for public benefits in low-income communities.
- He is a third generation San Franciscan.

(+) Jeremy Nelson – Transportation for a Livable City

- He supports the project because it provides housing and un-bundles parking.
- He feels that this project sponsor should provide less than 1 to 1 parking when they are near a transit corridor.
- There is ample off street parking.
- There are a lot of lots in the area available for parking.

(+) Philip Lesser – Mission Merchants Association

- The MMA agrees wholeheartedly with the Planning Department's recommendation to issue demolition and building permits without discretionary review for this mixed-use project.
- Mission Street is one of the most important neighborhood-commercial shopping corridors in the City.
- This project will transform one of the most tawdry and crime-infested parts of the Mission District into a safer and more usable environment.

(+) Ron Miguel – San Francisco Housing Coalition

- This project contains many of the changes that they requested of the project sponsor.

- His recommendation to MAC and MEDA is that if they want affordable housing they should look at the armory.
- The armory is very different than 1880 Mission Street.
- There are no exceptional or extraordinary circumstances.
- He requested that the project go ahead because this area needs some gentrification.

(+) did not state name

- He read a letter from Ms. Sofia Ayala from the Hispanic Chamber of Commerce as well as the Mission Merchant's Association.
- The chamber is very well acquainted with what is going on at this corner.
- The architects and developers of this project are applauded for wanting to have this development in the area and therefore improve it.

(+) Mark Nelson – Mark Nelson Development – Project Sponsor

- In addition to all the work done to this project, he realizes that they are taking a risk in proposing this project.
- They are getting a lot closer to developing something that the community will approve 100 percent.
- There are a lot of neighborhood organizations and businesses that support this project.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

EXCUSED: Olague

- 15b. 2004.0622D (J. PURVIS: (415) 558-6354)  
1911 MISSION STREET – east side, south of 15th Street; Lot 27 in Assessor's Block 3553 – Planning Commission **initiated Discretionary Review** of Demolition Permit Application No. 2004.02.10.6032, proposing the demolition of a one-story garage formerly used by Spencer's Car Radio, in an NC-3 (Moderate-Scale Neighborhood Commercial) Use District, a 80-B Height and Bulk District and within the Eastern Neighborhoods Housing/Mixed-Use Overlay District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.

SPEAKER(S): Same as those listed for 15a.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

EXCUSED: Olague

- 15c. 2004.0623D (J. PURVIS: (415) 558-6354)  
1581 15th STREET – south side, between Mission and Capp Streets; Lots 30 in Assessor's Block 3553 – Planning Commission **initiated Discretionary Review** of Demolition Permit Application No. 2004.02.10.6037, proposing the demolition of a one-story, PDR building occupied by the R.B. Roofing Company, in an NC-3 (Moderate-Scale Neighborhood Commercial) Use District, a 80-B Height and Bulk District and within the Eastern Neighborhoods Housing/Mixed-Use Overlay District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.

SPEAKER(S): Same as those listed for 15a.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

EXCUSED: Olague

15d. 2003.1015D (J. PURVIS: (415) 558-6354)  
1905 MISSION STREET - east side, south of 15TH Street; Lots 27, 28, 29, and 30 in Assessor's Block 3553 - Planning Commission initiated **Discretionary Review** of Building Permit Application No. 2004.01.28.5107, proposing the construction of a five-story, mixed-use building in an NC-3 (Moderate-Scale Neighborhood Commercial) Use District, a 80-B Height and Bulk District and within the Eastern Neighborhoods Housing/Mixed-Use Overlay District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit.

SPEAKER(S): Same as those listed for 15a.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

EXCUSED: Olague

16. 2003.1196D (T. WANG: (415) 558-6335)  
3871 19<sup>TH</sup> STREET - south side between Church and Sanchez Streets; Lot 096 in Assessor's Block 3600 - **Request of Discretionary Review** of Building Permit Application No. 2003.08.21.2760 to replace a roof hatch and two skylights with a stair penthouse for rooftop access, at the existing four-story over garage, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and disapprove the project as submitted.

SPEAKER(S):

(-) Fred Lewis – Representing Discretionary Review Requestor

- He has over 30 signatures of neighbors who are against the project.
- This project would have a negative impact on the neighborhood because it would create the tallest building in the neighborhood.
- He displayed photographs of how the proposed project would set a precedent with the other homes and how the neighborhood would look if they were to follow suit.
- He hopes that the Commission will approve a lower roof structure, etc.
- He displayed drawings of alternatives to the project, which would benefit the neighborhood.
- He asked that the Commission uphold the previous Commission's decision.

(-) Bill Addison

- He has lived in the neighborhood for 34 years.
- He was here in 1986 when he spoke and the Commission heard his concerns.
- The attempt of the previous Commission was to prevent later permits to undermine the agreement.
- The result would be greater height and bulk than the previous Commission had agreed to.
- He urged the Commission to uphold the previous Commission's decision.

(-) Jay Duncanson

- He lives on Sanchez Street.
- The project sponsor has spent a lot of money trying to fix the water problems with his house.
- He has searched for various companies to help the project sponsor with his project.
- The project sponsor mentioned that if this was a low profile project, he would be in agreement.

(+) Brett Gladstone – Representing Project Sponsor

- The Planning Commission does not protect views and this project is about views.
- The solutions that they have identified have been agreeable with various neighbors.
- The skylight must open for fire safety and maintenance purposes.
- The various suggestions that the neighbors have suggested are not waterproof.

**(+) David Mast**

- He is co-owner of the property in question.
- He has been researching this project for the last five years.
- He has been very sensitive to the neighbor's needs.
- The neighbors have suggested solutions and each one of them he has researched but they do not meet the requirements he has to adhere to.

**(+) Curt Cline - Architect**

- It has been his experience that flat roof skylights continue to leak.
- The other structures could be built but there would be a very high maintenance cost.
- There is mold created by the existing structure.

**(+) Carrey Shaughnessy**

- The skylight was a main issue when the re-roofing started.
- About five different skylight companies have refused to get involved in this project.
- He has seen quite a few skylights that have failed.

**(+) Erick Gilbert**

- He is a carpenter and is self-employed.
- He has found wet wood and mold.
- It is a very expensive location where the skylight is.
- It is very important that no more damage occur.

**(+) Achim Voermanek**

- He has a family of three and lives next door to the proposed house.
- He is concerned with the water problem of his neighbor as well as for his house.
- A new type of roof access needs to be installed.
- The application is worth supporting and hopes that the Commission will approve the project.

**(+) Ken Aoki**

- He is a homeowner.
- He would like to have the problems related to the skylight be finished.
- Protecting the roof from further water damage is a priority.
- Since 2000, there has been significant damage done to the roof caused by water.

**(+) Marisa Mizon**

- She lives in the neighborhood.
- Every winter before the rains, she and her husband are up there in the roof waterproofing the roof.
- She totally supports this project.

**(+) Kindra Scharich**

- She read a letter from a neighbor who is in support of the project.

ACTION: Took Discretionary Review and approved the project with modifications: new stair penthouse structure should not exceed the height of existing structure; Project Sponsor should submit a revised design in order for a permit to be approved.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

17. 2004.0065D (G. NELSON: (415) 558-6257)  
2131 DIVISADERO STREET - west side between Clay and Sacramento Streets, Lot 004 in Assessor's Block 1004 - Request for Discretionary Review of Building Permit Application No. 2003.01.24.5926, proposing to modify and raise the roof over the front portion of a single-family dwelling by approximately four feet by changing the compound roof to a hipped roof and adding a dormer window. The property is located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKER(S):****(-) Jay O'Neill – Discretionary Review Requestor**

- He is concerned with privacy.
- He discovered that the property adjacent to his house had not obtained building permits.
- The proposed expansion causes complete disruption of his privacy.
- Privacy screening was a condition to receive approval.
- His property will be compromised on all levels.
- He asks the Commission to consider the implications that this project will have on his house.

**(+) Jeremy Paul – Representing the Project Sponsor**

- He gave a PowerPoint presentation of the architectural aspects of the project.

**(+) Ian Berke**

- He lives right around the corner from the project site.
- He is very interested in historic preservation.
- He feels that the project sponsor has a very modest project.
- He urges the Commission to approve the project.

**(+) Mildred Hindred**

- She believes that she is the neighbor who will be impacted the most from the proposed project yet she is not opposed to the project.
- She understands the project sponsor's need for expansion.

**(+) Linda Klauda**

- She lives near the project.
- She is concerned about the streetscape.
- All the buildings are in original condition.
- The project sponsor has maintained his home.
- She has lived in the neighborhood for 20 years.

**(+) Anabell McClland – Project Sponsor**

- She and her husband would like to have their children on the save level as their bedroom.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

18.

2004.0370C

(G. NELSON: (415) 538-6257)

3640 BALBOA STREET - north side between 37th and 38th Avenues; Lot 005F in Assessor's Block 1580 - **Request for Conditional Use authorization** pursuant to Section 161(j) of the Planning Code to allow the construction of two dwelling units without off-street parking. The proposal is to enlarge a mezzanine story within an existing 20-foot tall commercial structure and to add two additional floors to the building, resulting in an approximately 40-foot tall, four-story building. The two top floors will each contain a dwelling unit. The reconfigured second floor will contain residential space ancillary to a dwelling unit above, and commercial/storage space associated with the restaurant below (considered a Business or Professional Service use per Section 711.53 of the Code). The subject property is within an NC-2 (Small Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

(Continued from Regular Meeting of July 1, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to September 23, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

19. 2004.0381C (S. VELLVE: (415) 558-6263)  
2 SANCHEZ STREET - west side between Duboce and 14th Streets; Lot 001 in Assessor's Block 3538, Request for Conditional Use Authorization pursuant to Sections 721.42 and 186 of the Planning Code to change the use of an existing Grocery/Liquor Store (Cooper's Gourmet) to a Full-Service Restaurant (Cooper's Gourmet) within 1/4 mile of the Upper Market Neighborhood Commercial District and a RH-3 (Residential, House, Three Family) and 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.

SPEAKER(S): None  
ACTION: Approved  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16836

20. 2003.1252C (G. CABREROS: (415) 558-6169)  
498 FUNSTON AVENUE - northeast corner of Funston Avenue and Anza Street, Lot 018 in Assessor's Block 1532 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 178, 209.3(j) and 303 to allow the expansion and intensification of an existing religious institution, (San Francisco Bible Church). The project proposes vertical and horizontal additions to provide an elevator and additional classroom and office space, adding approximately 630 square feet to the two-story over basement church . The property is in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

SPEAKER(S): None  
ACTION: Approved  
AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes  
MOTION: 16837

21. 2003.0313C (D. SIROIS: (415) 558-6313)  
2243-2247 MARKET STREET - south side between Noe and Sanchez Street, Lot 19 in Assessor's Block 3559 - **Request for Conditional Use authorization** under Planning Code Sections 721.48 to allow the establishment of a live D.J. entertainment use ("Other Entertainment" as defined by Section 790.38) in an existing bar and restaurant that will be operated under the name Lime (formally known as Lalo's). The subject property is located in the Upper Market Neighborhood Commercial District in a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

(Continued from Regular Meeting of July 1, 2004)

SPEAKER(S):

**(+) Jeremy Paul – Representing Project Sponsor**

- This is a very well designed interior restaurant.
- He is thrilled to have this in the neighborhood.
- The design was conceived to maintain an atmosphere and eat small portions with small plates and talk.
- Many neighbors were concerned about noise and crowd control. There was a test run Tuesday night and everyone in the neighborhood is now in support.

ACTION: Approved  
AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes  
MOTION: 16838

22. 2003.0735C (E. TOPE: (415) 558-6316)  
459-495 9<sup>TH</sup> AVENUE - west side between Geary Boulevard and Anza Street, Lots 10B, 016 and 049 in Assessor's Block 1535, and 462 AND 466 10TH AVENUE, east side between Geary Boulevard and Anza Street, Lots 028 and 029 in Assessor's Block 1535: **Request for Conditional Use Authorization** pursuant to Planning Code Sections 178, 209.3, 303 and 304 to expand a secondary school (Zion Lutheran Church School) in a residential district. The project requires Conditional Use Authorization because it proposes: (1) the construction of an approximately 16,735 square foot, 3-story over basement addition to the existing school building on 9th Avenue (following the demolition of a building containing two dwelling units (459 9th Avenue) as well as alterations to 462 10th Avenue which would convert it from classroom use to two dwelling units, and alterations to 466 10th Avenue which would add a second dwelling unit and a new partial third floor; (2) the modification of a prior Conditional Use Authorization granted in 1982 (Case No. 82.350C); and (3) it proposes to develop a project site of over 1/2 acre (also called a Planned Unit Development, or PUD), which would allow modifications to the standard Planning Code requirements such as rear yard and open space. With the proposed project, the Zion Lutheran Church School does not plan to increase the allowed student enrollment (225) nor the allowed number of employees (15), per Conditional Use Authorization granted in 1982 (Case No. 82.350C). The new addition to the school building will contain classrooms, science labs, a multi-purpose room, kitchen, restrooms, offices, and a play yard on the rooftop. Nine weekday and twelve weekend off-street parking spaces will be provided in the rear yard behind 462 and 466 10th Avenue.

Preliminary Recommendation: Approval with conditions.

SPEAKER(S):

(+) Dick Wong – Project Architect

- The Planner has been very diligent and thorough with the project report.
- There is no opposition to this project.
- He is available for questions.

(+) Ron Miguel

- The conditions on this project are fairly standard.
- The access to the interior parking area concerned him at first but after analyzing it believes that it was extremely well done.
- He is very pleased that this religious institution is expanding.

(-) Winston Louie

- This is a residential neighborhood where he has lived for 49 years. This area should remain residential.
- If this church is allowed to expand, it will decrease the property value.
- They will hear all the noise from the playground.
- Not everyone works a 9 to 5 job so this noise disrupts his sleep.
- His father was bedridden and was disrupted by the noise of the playground.

(+) Jeremy Nelson

- He supports this project.
- This project has excellent public transportation.
- There is no loss of housing.
- This project could provide no off street parking, the Planning Department's requirement for one to one parking should be reduced.
- He asked that the Planning Department request to unbundle parking.
- There should also be a limit to the number of cars that could park in the playground area.
- There should also be 75 secured bicycle spaces allowed.

(-) Michael Gehiken

- He lives right behind the church and the school.
- He is concerned about the actual dwelling units that will be replaced

- The church packs the playground with cars so he is concerned about that. The alarms of these cars are also sounding constantly.
  - He is concerned about the loss of light with the addition.
- (-) Jenny Harrington
- She is tired of the constant noise from the playground area.
- (+) Rose Tai
- Most of the children that go to this school, live in the neighborhood.
  - She can understand when parents block the driveway.
  - She apologized if the parents or the children cause any inconvenience.
  - The school is wonderful but it is old. It needs to be upgraded if there are plans to continue serving the neighborhood.

ACTION: Approved as amended: 1) alter condition #10 so that it includes a maximum not to exceed 12 parking spaces; 2) alter condition #11 to state that a traffic management plan shall be submitted prior to issuance of an occupancy permit; 3) recommended adding some bike parking spaces.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

#### F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 9:46 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 2, 2004.

SPEAKERS: None

ACTION: Approved as Corrected

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, July 22, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

SEP - 9 2004

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Sue Lee, William L. Lee,  
Christina Olague

**COMMISSIONERS ABSENT:** Shelley Bradford Bell and Kevin Hughes

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:32 p.m.

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning and Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Jim Miller; Rick Crawford; Elaine Tope, Sara Vellve, Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0365DD (G. CABREROS: (415) 558-6169)  
850 45<sup>TH</sup> AVENUE - east side between Cabrillo and Fulton Streets; Lot 024 in Assessor's Block 1687 - Requests for Discretionary Review of Building Permit Application No. 2003.08.22.2792 proposing to add a second dwelling unit, add two floors and a horizontal addition to the rear of the existing single-family residence resulting in a four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.  
(Continued from Regular Meeting of June 10, 2004)  
**(Proposed for Continuance to August 5, 2004) September 2, 2004**

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to September 2, 2004

**AYES:** Antonini, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell and Hughes

- 2a. 2001.0249CV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Conditional Use authorization** for a building exceeding 35 feet in height in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site. No parking would be provided. Both a parking and a rear yard/site coverage variance would be required and will be considered by the Zoning Administrator at the same hearing as the Conditional Use authorization. Required open space would be provided on a rooftop terrace.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of June 17, 2004)

(Proposed for Continuance to September 9, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to September 9, 2004

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

- 2b. 2001.0249CV (K. AMDUR: 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Variance for rear yard/site coverage and parking** for a building in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site, and no parking would be provided. Required open space would be provided on a rooftop terrace. Conditional use authorization is also required for a building in the CCB to exceed 35 feet in height.

(Continued from Regular Meeting of June 17, 2004)

(Proposed for Continuance to September 9, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to September 9, 2004

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

3. 2004.0338DDD (D. DIBARTOLO: (415) 558-6291)  
755 22<sup>ND</sup> AVENUE - west side between Cabrillo and Fulton Streets: Lot 014 in Assessor's Block 1665 - **Requests for Discretionary Review** of Building Permit Application No. 2003.09.29.6087S, proposing to construct a two-story horizontal extension at the rear of the existing three-story single family dwelling unit. The rear addition would extend the full lot width and would increase the structure's depth by approximately 6 feet into the rear yard in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: pending

(Proposed for Continuance to September 2, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to September 2, 2004

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

4. 2004.0251C (S. VELLVE: (415) 558-6263)  
2298 MARKET STREET - north side between Noe and Sanchez Streets, Lot 015 in Assessor's Block 3560 - **Request for Conditional Use Authorization** pursuant to the following sections of the Planning Code: 721.41 to establish a bar; 721.48 to provide other entertainment; 721.27 for extended hours within the Upper Market Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending  
(Continued from Regular Meeting of July 1, 2004)  
**(Proposed for Continuance to September 23, 2004)**

SPEAKER(S): None  
ACTION: Without hearing, item continued to September 23, 2004  
AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes

5. 2003.1177C (E. TOPE: (415) 558-6316)  
2301 FILLMORE STREET - northwest corner at Clay Street, Lot 004 in Assessor's Block 0611 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 718.48 and 790.38, to allow amplified music and to extend the hours during which entertainment is allowed in a nonconforming bar and full-service restaurant (occupied by Leticia's Restaurant) in the Upper Fillmore Street Neighborhood Commercial District and a 40-X Height and Bulk District. Planning Commission Motion No. 13781, adopted on November 17, 1994, limited entertainment at this location to non-amplified music and restricted the hours during which entertainment is allowed.

Preliminary Recommendation: Pending  
(Continued from Regular Meeting of June 10, 2004)  
**PROJECT APPLICATION WITHDRAWN**

SPEAKER(S): None  
ACTION: Project Application Withdrawn

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption – Draft Minutes of June 24, 2004

SPEAKER(S): None  
ACTION: Approved  
AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes

7. Commission Comments/Questions

**Commissioner S. Lee:**

*Re: Position of Planning Director*

- She would like to have this item heard at a time specific on August 5, 2004.
- She would also like to have this calendar mailed to the neighborhood list.
- She requested the current job description of the current planning director position and job announcements when Director Green was hired.
- She is under the understanding that the Mayor's Office issued a job announcement in a Planning publication. She would like a copy of this.

**Commissioner W. Lee:**

*Re: Position of Planning Director*

- He feels that the qualifications for Director of Planning should be revised as well as look at the pay scale of that position.

- It is also important to know what the position is responsible for and what it is not responsible for.
- Would like to ask Mr. Kawasaki, the Acting Director of DHR, what the Commission can do and cannot do. Maybe he can attend the hearing.
- Other issues to look at are: Should the City pay for expenses of candidates who come to an interview in the City? Should the City pay for moving costs of a candidate if chosen and he/she lives out of town?
- What is required to put in writing?
- There is no requirement for what the director is required to have under the Charter and the Administrative Code. It would be helpful if staff went over the Charter and Administrative Code regarding this.

*Re: 80 Natoma*

- There is a letter from Alice Barkley. Does the Commission have to respond?

**Director Green Responded:**

- He realizes that Ms. Barkley spoke to the Commission related to 80 Natoma.
- There is a letter from the Building Department that came to the Acting Director.
- He has replied to the letter and has done what is requested of them.
- Apparently the issue is of compliance with a previous Commission's authorization. This responsibility rests on the Department and not on the Commission. If it were a Commission issue, the item would have to be placed on the calendar.

**City Attorney Cleveland-Knowles responded:**

- She has not seen the letter. She understands that Deputy City Attorney Boyajian is aware of this letter.

**Director Green Responded:**

- He has consulted with the City Attorney.

*Re: City Stat*

- It is important that the Commission receives this information.

**Director Green Responded**

- He will appear before City Stat tomorrow morning. They provided a chart of information that they requested. Staff has not received that chart back. There is no pre-presentation.
- At the August hearing, staff will provide the Commission with the information that they will present to the committee.

**Commissioner Olague:**

*Re: Public Comment*

- A few members of the public have requested that this item be moved towards the beginning of the calendar.

**Commission Secretary responded:**

- This is a highly contested item and it involves amending the Commission's official Rules and Regulations. It is up to the Commission [or the President] to instruct me to schedule this for a future hearing.

**Commissioner Antonini:**

*Re: Code of Order for Choosing a Planning Director*

- He would like to know what order this process should follow.
- He would like to receive this information in writing.

**C. DIRECTOR'S REPORT****8. Director's Announcements***Re: Newspaper Article*

- There was an article in the newspaper stating that he had submitted his resignation.  
This information is not true.

**9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals****BOS:***Re: Ordinance related to Amending the CM Zoning District*

- This legislation was amended and acted on at the Board by a vote of +7 -4.

*Re: 55 Ninth Street*

- This was approved at the Board.

*Re: Budget*

- The Board, on first read, did consider the City's Budget.
- The second reading and final decision still needs to be acted upon.
- The Department's approved budget for fiscal year 2003-2004 and the actuals at the end of the that year totaled \$13.2 million. The proposed budget the Department brought before the Commission and then presented to the Mayor's office totaled \$14.1 million. The Mayor presented the Department's budget to the BOS's budget committee for a total amount of \$16 million. This looks like a substantial increase over the Department's proposed budget. However, there are some significant differences. In the Department's budget there was an amount of \$3.8 million that we were hoping would come from the General Fund. The budget that was presented to the Board by the Mayor's office did not include an allocation from the General Fund. The budget did include a greater reliance on fees and an expectation of a fee increase. There has been a fee proposal that is being considered by the BOS. The budget also included a fund transfer from DBI. The budget that was adopted by the BOS called for funding for the Department at \$16.5 million. This was different from the budget that was presented by the Mayor. The department received a small amount of General Fund support which totaled \$447 thousand. This amount was to cover work responding to the Board's requests. There was also a restoration of the amount of funds that were devoted to interdepartmental recovery. There was also a slight difference in the amount of revenue that was to be generated from fees. It still relied on a fee increase proposal.
- This budget is still going to have a final reading and it is still a bit confusing. [He will still have to come back to the Commission to try to explain a few things.]
- In this budget the department lost 11 positions, three of which were vacant. Those positions were replaced with 12 positions. There is a net increase of 1 position. The vacancies have been lost. There is a greater reliance on front line staff. The primary changes have been in administration and upper management. He sees this as a challenge on how people will be managed.
- This budget does allow the department to have work items that did not exist before. The new budget that the Mayor's office contributed to allows for funds which the department would have had to obtain from its own budget. As an example, the City Attorney's office is an expense that all departments have to incur. The department has been provide with fund to take care of this expense. There are funds for consultants to be able to do environmental work, bring on urban design, and do transit work.
- When there is a full Commission (all seven members), the issue of the budget should be on the calendar to talk about various details.

**Commissioner Lee:**

- She requested that a copy of the budget be given to the Commission in preparation of the briefing the Director will have when there is a full Commission.

- This information should include what changes in the organizational structure the budget calls for.

**Director Green Responded:**

- The department has not received a copy of the budget but the Commission will receive it when we do. This item will be placed on the calendar.

**BOA -***Re: New Commissioner*

- This was the first hearing of the new Commissioner Ronald Knox.

**D. REGULAR CALENDAR**

- 10a. 2004.0130CV (J. MILLER: (415) 558-6344)  
1353 -1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in an the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Request for Conditional Use authorization** for use size in excess of 3,000 square feet for a music training facility ("Music City"), with a Full-Service Restaurant and Bar with live entertainment, open after hours (between 2:00 and 6:00 A.M.) also requiring a Variance for off-street parking and usable open space for an upper-floor group-housing use.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Rudy Columbini – Project Sponsor**

- He was raised in San Francisco.
- He has been involved with real estate and music all of his life.
- This would be a haven for aspiring musicians and recording artists.
- This would be the first time a school, rehearsal facility, hotel, and a music venue have ever been looped together.
- Musicians can come from all over the city, the country and the world and have a place where they can flourish and pollinate each other.

**(-) David Brown**

- He is opposed to this idea.
- He has lived in the area for 30 years.
- The area is also a residential district with a senior home nearby. This is going to lead to more problems because of the early morning hours of operation.
- He does not want the Commission to pass this because of the violence and prostitution in the area.

**(-) Jack Rummel**

- There are a lot of problems with prostitution and drug dealing in the area.
- His concern is related to the residential hotel aspect of the project.
- He does not agree with the late night hours.

**(-) Doug Backsberg**

- He lives on Sutter Street.
- He opposes allowing any conditional use.
- He is appalled that he has to be here since the area is filled with bars, homeless shelters, needle exchange, etc.
- Fern Alley is only one way, this would cause a problem with the bar since there would be a need for a two way street.

**(-) Robert Pangburn**

- He owns property in the neighborhood.
- He has been working against the crime and prostitution in the area. A lot of groups have been formed in order to control these problems.

- There are crime maps put out by the police that state what kind of crimes are conducted in San Francisco neighborhoods.
  - There are 237 prostitution incidences, 109 larceny and theft incidences, etc.
- (-) **Gus Holingsworth**
- He has lived on Sutter Street for about 20 years.
  - He is opposed to this business because of the stated crime problems.
  - Even though the resources are there to fight the crimes, adding businesses that will help increase the crime is bad for the neighborhood.
- (-) **David Overdurf**
- He would like to have a continuance of this project because there should be more public outreach.
  - The project sponsor should have more time to meet with the neighbors.
  - The bottom line is "what is important to the community"
  - If the Commission approves the project, there will be a lot of unhappy people.
  - If the Commission does not approve this, it might not be fair to the project sponsor.
- (-) **Suzie Shimizu**
- She is an administrator at Redding School. Every day the children see prostitution, drug addicts, etc.
  - There should be some type of program for children passed instead.
- (-) **Robert Hutchinson**
- He has lived for 43 years on Sutter Street.
  - He would like to have this project denied because there are too many bars in the area.
  - This neighborhood has grammar schools and two old folks homes .
  - The area should be rezoned since the community does not want any more bars.
- (-) **Jenny Hansen**
- She is the executive director of a senior center.
  - She is opposed to the project.
  - There are already a lot of crimes going on in the area.
  - Many of her staff have been mugged.
  - A minimum should be to just continue the project if not deny the project all together.
- (-) **Karla Rossi – Sutter House Apartments**
- She is a property manager.
  - There is a music studio on Fern Alley and there are already negative impacts going on now.
  - She is opposed to live entertainment.
  - More information should be sent to the residents of the neighborhood.
- (-) **Robert Garcia – Save Our Streets**
- This is a bad idea. He is not against the school/training facility.
  - The bar aspects of the project will cause more problems.
  - Parking in the area is scarce.
  - On the same block can be found a senior center, a school, etc. This should be cause for denying this type of use.
- (+/-) **Jeremy Nelson – Transportation for a Livable City**
- They support the parking variance. He is isolating his comments to the variance only.
  - The project is located in an area where there is excellent transportation.
  - He is sympathetic to the issues of noise, problems with neighbors, etc.
  - He recommends to have strict good neighbor gesture conditions applied to the project so that within a period of time there could be an evaluation of these conditions to make sure they are being followed.
- (+) **Jim Riddick**
- He lives on Fern Alley.
  - He understands the people that have lived in the neighborhood for a long time and their concerns with crime.
  - The live music will be on the Bush Street side.
  - A continuance would be acceptable so that they can give more information to their neighbors.

- It is not all about the bar, it is more about the community of musicians coming together.
- (-) **Bob Frane**
- He is opposed to the proposal even though what the project sponsor is doing is something good.
- Parking is very bad in the area. Late at night is even worse.
- He has not heard anyone address the square footage usage of the building.
- If this is allowed as it stands, later down the line, the conditions should be revisited again.
- There is a lot of noise on Bush Street.
- The neighbors are trying to make the area better. He would agree to a continuance so that everyone can get to know the project sponsor more.

(-) **Mr. Leonard – Noise Control**

- He has come up with a plan so that the project sponsor can have this project and have little impact on the neighbors.
- He agrees that young musicians need a place to rehearse and that this place should be sound controlled so as not to disrupt neighbors.

**ACTION:** Hearing held. Item continued to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.

**AYES:** Antonini, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell and Hughes

- 10b. 2002.0130CV (J. MILLER: (415) 558-6344)  
1353 - 1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District -- **Off-Street Parking and Usable Open Space Variances** sought in conjunction with the conversion of existing tourist hotel rooms to group housing (residential hotel rooms) and for a Full-service Restaurant and Bar and music training facility ("Music City") with no off-street parking and no outdoor open area.

**SPEAKER(S):** Same as those listed for item 10a.

**ACTION:** Hearing held. The Acting Zoning Administrator continued this item to September 23, 2004. Public comment remains open.

**AYES:** Antonini, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell and Hughes

- 10c. 2002.0129C (J. MILLER: (415) 558-6344)  
835 HYDE STREET - west side between Bush and Sutter Streets, Lot 3 in Assessor's Block 279, in an RC-4 (Residential Commercial Combined, High Density) District and a 130-E Height and Bulk District - **Request for authorization of a Conditional Use** for a Tourist Hotel (conversion of 31 "residential" hotel rooms, being consolidated at another location, to "tourist" rooms) with no off-street parking.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** Same as those listed for 10a.

**ACTION:** Hearing held. Item continued to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.

**AYES:** Antonini, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell and Hughes

11. 2004.0421C (R. CRAWFORD: (415) 558-6358)  
4001 JUDAH STREET - at 45th Avenue, Assessor's Block 1808 Lot 001. **Request for Conditional Use Authorization** under, Planning Code Sections 710.44 for

establishment of a Small Self Service Restaurant (Feel Real Vegan Café). The Project will occupy the existing 800 square foot building in an NC-1, Neighborhood Commercial Cluster District and within the 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Ahmad Larizadeh—Project Sponsor

- The plan is to hire about 8 people for the restaurant.
- The project will take about 7 to 8 months to complete.
- He hopes that the Commission will approve this project.

ACTION: Approved

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

MOTION: 16840

12. 2004.0506D (R. CRAWFORD: (415) 558-6358)  
464 30<sup>TH</sup> STREET - North side between Noe and Sanchez Streets. Assessor's Block 6639 Lot 020 - **Request for Discretionary Review** of Building Permit Application No. 2004 0310 8295, to construct horizontal and vertical additions to the existing one family dwelling including a full third story and a rear extension in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

SPEAKER(S):

*Re: Continuance*

**Christopher Moscone – Representing Project Sponsor**

- He requested a continuance because there are only four members of the Planning Commission.
- If there were a continuance it would allow the [staff] recommendation and analysis to be looked at and corrected--there is a lot of information that is not correct.
- A continuance would be in the best interest of both parties because it would allow them to meet and come to a decision.

**Joe O'Donaghue**

- He agrees to a continuance only if the project could be scheduled on August 5.
- His clients had to come from Italy for this hearing.

**Name unclear**

- He agrees to a continuance.
- He just recently hired an attorney. This would allow the attorney to familiarize himself with the case.

**Steven Johnston**

- He agrees with the continuance.
- There were many meetings on this project in the past 2 ½ months.

ACTION: Without hearing, item continued to August 12, 2004

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

13. 2003.1254D (E. TOPE: (415) 558-6316)  
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - **Request for Discretionary Review** of Building Permit Application No. 2003.07.31.0905, proposing to construct a one story horizontal and a one story vertical addition to an existing two story over basement single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take discretionary review and approve the permit with modifications.

(Continued from Regular Meeting of June 10, 2004)

SPEAKER(S):

(-) **Walter Kaplan – Discretionary Review Requestor**

- The notice published for this project contains an incorrect statement of what the project proposes as well as the description of the project.
- This is an awful project.
- The issue here is not what could be built under the code but what should be built.
- The project sponsor should be allowed to build but within the envelope of the structure.
- There have not been any plans since May 21.
- The neighbors would be happy with a house that is not larger than the neighbor's house.
- He is willing to allow a house that is not unreasonable.

(-) **Doris Linnenbach**

- She has lived in the neighborhood for 25 years.
- They are delighted to have the Popofs come to the neighborhood but are not in agreement with building a monster home.
- All the neighbors work with each other.

(-) **Dr. Paul Negulescu**

- He lives across the street from the proposed project.
- The latest revision shows a height that is still too large.

(-) **Christine Linnenbach**

- The project site has been deteriorating.
- Their neighborhood has always stuck together.
- The project keeps changing all the time.
- Every person who has purchased a home in the neighborhood has made improvements.

(-) **David Snoek**

- He lives on St. Germain.
- The project house has been gutted, papers placed on the window, etc.
- Proposed project is too large.

(-) **Did not state name**

- He has two sets of buildings that are under construction across the street.
- He is concerned with the project because it does not maintain the roofline.
- He is not too concerned with the façade.
- He made conditional changes to the plans of the houses he has under construction so never had to come before the Commission.

(-) **Chirs Deyo**

- He apologizes
- He has been a resident since 1988.
- He loves the neighborhood and would love to have a neighbor who keeps up with the property.
- The project has been an extreme eyesore.
- He wishes to rely on the wisdom of the Commission to decide on a solution best for the neighborhood.

(+) **Jeremy Paul – Representing Project Sponsor**

- He thanked staff for their hard work.
- The original plan was of a more modern style.
- The homes are of a very large nature.
- He gave a PowerPoint presentation of the general aspects of the property and project location.

(+) **Mila**

- She is the homeowner.
- She thanked staff for helping them revise their project.

- Her life has been affected very much. She has a large family and would like for her entire family to live together.

(+) John Ridenour

- He is a friend of the Project Sponsor.
- It seems that the neighbor next door does not want to deal with the issues of the project even though he is the Discretionary Review requestor.
- The project sponsors have gone through a lot to revise the plans.
- He is in support of the project.

ACTION: Took Discretionary Review and approved the project with the following modifications: require a maximum height of 23.6 inches for the new construction; file a notice of special restrictions to allow one dwelling unit so long as the property is zoned for single family housing; nothing in the future should extend beyond the approved height.

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

14. 2004.0409D (E. TOPE: (415) 558-6316)  
2301 CHESTNUT STREET (AKA 3253 SCOTT STREET) - southwest corner of Chestnut and Scott Streets; Lot 001 in Assessor's Block 0936 - **Request for Discretionary Review** of Building Permit Application No. 2004.03.03.7615, proposing to convert retail storage space (associated with Lucky Brand) to a small self-service restaurant (Cold Stone Creamery Ice Cream Store, a formula retail use, as defined by Planning Code Section 703.3(b)) in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Linda Tsai – Discretionary Review Requestor

- She is a merchant in the Marina District.
- She is opposed to this project because the creamery will occupy storage space from Lucky Brand.
- She is concerned with traffic problems.
- Chestnut Street is not a major commercial street.
- Many restaurants serve ice cream for dessert.
- She submitted signatures of residents who are opposed to the ice creamery.
- She is concerned with the destruction of the family owned businesses on that street.

(-) Grace Tscu – Santa Barbara Ice Creamery

- Her and her family owns an ice creamery.
- She realizes that Cold Stone Ice Creamery filed their application before the Formula Retail Legislation was passed.
- Most all of the residents of the neighborhood are opposed to a chain store coming into the neighborhood.
- Loss of family and small businesses would change the character of the neighborhood.

(-) Charles Bain – Judy's Cafe

- He owns a store on Chestnut Street.
- Cold Stone wants to take a retail space and convert it into a business.
- There are already too many ice cream stores on that street.
- The street is unbalanced at this time in regards to businesses.
- There is too much food on that street and not enough retail.

(+) Jordan Sills – Project Applicant

- He and his brother own property in the Marina District.
- He and his brother decided to buy the Franchise rights of Cold Stone Ice Creamery.
- His project complies with the codes. The project will enhance local employees including high school students.
- Most people take the bus or walk to Chestnut so this will not impede the traffic situation.

- The architectural façade will not be changed.
  - Cold Stone had nothing to do with deciding on the location of the project site. This decision is only his and his brothers.
  - The store is going to be independently owned and operated by residents of the Marina.
- (+) **Ted Plant – Edward Plant Company**
- He has lived in the Marina for 21 years and is a real estate broker.
  - Zoning and planning laws allow the project.
  - This project should be approved.

ACTION: Hearing Held. Item Continued to August 5, 2004 to allow the absent Commissioners to participate in the final decision. Public Hearing Closed.

AYES: Antonini, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell and Hughes

15. 2004.0299DDD (S. VELLVE: (415) 558-6263)
- 2011 9<sup>TH</sup> AVENUE - west side between Pacheco Street and Mendosa Avenue, Lot 001P in Assessor's Block 2129 – **Request for Discretionary Review** of Building Permit Application 2003.07.31.0919 to construct a one-story vertical addition to the existing single-family dwelling located in an RH-1 (Residential, House, One-Family) District, 40-X Height/Bulk District.
- Preliminary Recommendation: Take Discretionary Review and approve with modifications.
- (Continued from Regular Meeting of June 24, 2004)

SPEAKER(S):

(-) **Bruce Bonacker – Representing the Discretionary Review requestor**

- The concerns that remain on this project are the scale, precedent, and presence of light and air.
- The addition is more than 70 percent of the size of the house even though there has been reference to this being a modest addition.
- He presented a few alternatives, which would be a one-bedroom addition.
- The other alternative would change the size of the deck. This alternate responds to the needs of his clients.
- These revisions were not acceptable to the project sponsor.
- Everyone is concerned about the precedent this will have on the neighborhood.
- He would be satisfied with either of the alternatives.

(-) **Kathy Kora**

- She is concerned with the lightwell, the noise, and the increased traffic.
- The proposed project would darken her house. She was recently diagnosed with cancer.
- She has tried to negotiate with the project sponsor with no compromise.
- She is concerned with loosing her lightwell and therefore loosing light.

(-) **Ken Small**

- He is concerned with the character of the neighborhood.
- With this project, the project sponsor will be getting a lot and the neighbors will be loosing a lot.
- He is concerned with the privacy he will be loosing.
- He will also be loosing morning light.
- He is asking for an additional offset.
- The rear deck should be eliminated because it will only encroach into his yard and his privacy.

(-) **Lisa Chin**

- Her house is on the south of the proposed project.
- She is not here about views or property value. She is here about scale and neighborhood character.

- She and her husband constructed an addition with the required permits.
- All they are asking for is a skylight.
- She hopes that the Commission will allow Discretionary Review.
- The project sponsor promised a few things but then he retreated and mentioned that he over spoke.

(-) Thomas Chan

- They have been thrust into turmoil trying to reach a compromise.
- The project will impact their privacy and they will lose a lot of light.
- The rear of the proposed addition should be moved back and the rear deck removed.

(-) Ivette Simpson

- She is opposed to any exterior additions.
- The quality of her life will be affected with this project.
- Property owners need to seek adequate properties for their large families

(-) Marsha Ruben

- She lives on Pacheco Street.
- She signed the petition against this project
- She is concerned about the precedent being set.
- She agrees that the project sponsor does need more space for his family.

(-) Steve Reuben

- This seems to be a balancing affect.
- The footprint is in excess of what needs to be done.
- Through a compromise solution adequate space will be allowed.

(-) Lynn Synolski

- After careful consideration of the plans, she decided to sign the petition for DR.
- The homes on the street are a treasure of San Francisco.
- She tried in good faith to not sign the petition but after seeing the plans she decided to sign it.

(-) Janet Smaldone

- They learned from the proposed construction early this year.
- They have tried to reach a compromise and try to satisfy the needs of the neighbor.
- Their children's well being is being compromised with this new construction.
- An important factor when they purchased their home was light and that is going to be minimized with the construction.
- She requested that the project sponsor set back the addition and remove the deck.

(-) Buff Harding, Jr. – Golden Gate Heights Neighborhood Association

- He has been in the neighborhood for 45 years.
- He has watched the congestion grow over the years.
- He would like to have some compromise where everyone is in agreement.

(-) Sue Hestor

- The Chan's will be looking at a wall if this project goes through.
- All the DR requestors want is to have the emergency stairs not be enclosed.
- Ms. Coto is a homebound person that wants light. This has nothing to do with views..
- The neighbors have gone out of their way with the architect to find alternatives.

(+) Arnie Lerner – Representing Project Sponsor

- There are no special and extraordinary circumstances that warrant Discretionary Review.
- The project should be constructed as proposed.
- He displayed a diagram of the project explaining the relation of the light well to the property.
- The petition that was passed around misleads people into thinking that the project sponsor was building a monster home.
- The Urban Design Guidelines are being maintained.
- There will not be shadows cast on the neighbor's homes.

(+) Thomas Swingle

- There is letter from the Board of Director of the Golden Gate Heights Home Owner's Association, which states that they support the project.

- He has been living in the subject home for about 10 years with his children and his wife's mother. Now his children are pre-teens and should be allowed their separate rooms.

- He requested that the Commission deny Discretionary Review.

**(+) Toyoko Swingle**

- They have tried to do their best to talk to their neighbors and reach a compromise.

- The bedroom sizes are too small from the alternates that the DR requestor suggested.

- She believes it is very critical for the Planning Commission to support growing families.

- They have tried to do their best to be good neighbors.

**(+) Eiko Shintake**

- She is the mother of the project sponsor's wife.

- She is 74 years old and shares the room with her grandchildren.

- She would like her grandchildren to have their own bedroom and for it to be a normal size.

- She requested that the Discretionary Review be denied.

**(+) Seiji Swingle**

- He would like to have his own room since he gets embarrassed when he tells his friends that he sleeps in the same room with his grandmother and his brother.

**(+) Masashi Swingle**

- He would also like to have his own room with his own desk. He now does his homework on the dining room table.

**(+) Loren Connor**

- She is in support of this project

- She lives on the same block.

- The project sponsors have involved her in the project and have addressed her issues.

**(+) Mimi Jones**

- She has seen the plans.

- This project would not adversely change the character of the neighborhood.

**(+) Myriam Chan**

- She supports this project since the project sponsor's family is growing. It is time for the children to have their own space as well as their grandmother.

- The addition would be invisible from a pedestrian point of view.

- The Planning Commission should support growing families.

**(+) Vickie Fan**

- She lives down the street from the Swingles.

- Expansion of existing space seems to be the only way for families to stay in San Francisco.

- After the project sponsor expands, they will still not have a very large house.

- It is important to find a way for families to stay together.

**(+) Darvin Huang**

- When he walks through the area, the houses look very nice.

- He does not feel that the expansion will detract from the architecture of the existing homes.

**(+) Mark Stoklosa – Project Architect**

- He took into consideration the zoning, building and planning restrictions when designing this addition.

- They have been working continuously with the Planning Department.

- He met with the Golden Gate Heights Association and they gave their consent for the project.

- He has maintained the setbacks.

- He does not think that there is an issue with privacy and views.

**(+) Michael Gevertz**

- He is representing the Project Sponsors.

- They have done more outreach to their neighbors.

- They have done many revisions to the plans trying to accommodate the concerns of the neighbors.

ACTION: Took Discretionary Review with the following modifications: 1) set the entire front wall of the proposed vertical addition back by 15' from the existing front structural/building wall that meets grade; 2) Match the length of the lightwell on the proposed addition, from front to rear, with the neighbor's lightwell at 2007 9<sup>th</sup> Avenue; 3) the plans should indicate a 1-hour fire-rated roof, and that the parapet be no higher than required under the Building Code for such a roof.

AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes

*Item 16 was taken out of order and followed item 11:*

16. 2004.0127D (G. NELSON: (415) 558-6257)  
2654-58 WEBSTER STREET - east side between Green and Vallejo Streets; Lot 017 in Assessor's Block 0565 - **Mandatory Discretionary Review**, under the Planning Commission's Policy on Dwelling Unit Mergers, of Building Permit Application No. 2003.12.18.2640, proposing to convert a three-family dwelling to a two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The work will not result in any dimensional change to the exterior of the building. Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) Brett Gladstone – Representing Project Sponsor

- This project will not be detrimental to the supply of housing.
- The downstairs unit is not rented out and it was vacated voluntarily.
- The second main floor characteristics make it clear that it used to be used as a dining room.
- The façade is in very poor condition. The Project Sponsor will get a construction loan to upgrade the interior and exterior.
- The other units have two tiny kitchens.
- The building started its life from two units and now it is three.

ACTION: Approved  
AYES: Antonini, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell and Hughes

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Tomas Swingle**

*Re: Discretionary Review Process*

- He lives on 9<sup>th</sup> Avenue.
- He would encourage the Commissioners to revise the DR process.
- For \$140 anyone can DR a project.
- There are so many opinions because there is such a diversity of people in San Francisco.
- There should be a more efficient DR process--perhaps put more of a financial burden on requestors.

Adjournment: 7:30 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 2, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell and Hughes

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, August 5, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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**COMMISSIONERS PRESENT:** Michael J. Antonini, Kevin Hughes, Sue Lee, William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** Shelley Bradford Bell

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:32 p.m.

**STAFF IN ATTENDANCE:** Larry Badiner– Acting Director of Planning and Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Elaine Tope; Geoffrey Nelson; Adam Light; Glenn Cabrerros; Dan DiBartolo; Matt Snyder; Nora Priego – Transcription Secretary; Jonas Ionin – Acting Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0243D (E. TOPE: (415) 558-6316)  
1328 GROVE STREET - northwest corner of Grove and Divisadero Streets; Lot 005 in Assessor's Block 1182 - Request for Discretionary Review of Building Permit Application No. 2004.12.24.2995, proposing to convert a vacant retail space (formerly Rocky's Smoke Shop) to a small self-service restaurant (Domino's Pizza Parlor, a formula retail use, as defined by Planning Code Section 703.3(b)) in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to October 7, 2004)

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to October 7, 2004.

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

- 2a. 2003.0253D (G. NELSON: (415) 558-6257)  
5126-5130 ANZA STREET - north side between 42nd and 43rd Avenues; Lot 016 in Assessor's Block 1502. **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2001.03.07.3680 to demolish an existing two-story two-family dwelling (the project also proposes the construction of a new two-family dwelling) in an H-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending.

**(Proposed for Continuance to October 7, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

- 2b. 2004.0682D (G. NELSON: (415) 558-6257)  
5126-5130 ANZA STREET - north side between 42nd and 43rd Avenues; Lot 016 in Assessor's Block 1502. **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction to replace demolished housing, of Building Permit Application No. 2001.03.07.3684 for the new construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The proposed new building will contain two off-street parking spaces.

Preliminary Recommendation: Pending

**(Proposed for Continuance to October 7, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

## B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Consideration of Adoption – Draft minutes from June 10, 2004.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

4. Commission Comments/Questions

**Commissioner W. Lee:**

*Re: Timeline of the Neighborhood Programs*

- He would like to know the timeline of the Octavia EIR.
- The Commission would like to have some timeline of all the neighborhood programs.

*Re: Document from Walter Caplan – 170 St. Germain*

- He received a letter stating that the owner of the property or contractor see the scope of the permits and they removed the ceiling joists, partition walls and excavation. The inspector will site them for violation notices for exceeding the scope of the permit.
- He would like to reschedule this item for discussion or ask Planning to review the allegation and come back with their findings.

**Commissioner Antonini:**

*Re: Proposals for Controls on September 2, 2004*

- He requested to have this discussion on taking testimony of the existing zoning maps for the areas and allow the Commission to get a full understanding of exactly where the areas of controversy lie in regards to the maps.
- He sees that currently there are some items that are passed but they would not have passed if the controls were in place.

*Re: Legislation to Amend the Planning Code on Formula Uses in the North Beach District*

- Supervisor Gonzales and Peskin introduced legislation to amend the Code to designation formula retail uses needing a Conditional Use in the Haight Street Neighborhood Commercial District.

**Commissioner Hughes:**

*Re: 170 St. Germain*

- He also received the information and agrees to bring this back before the Commission.

**Acting Director Larry Badiner Responded:**

- This is a very unusual case.
- Before this item is scheduled, staff should look at this and report back to the Commission.

**Commissioner Olague:**

*Re: SRO Provisions*

- She would like to see an overview of the SRO provisions in the Planning Code.

**Acting Director Larry Badiner Responded:**

- A brief public presentation can be scheduled in mid-September.

**C. DIRECTOR'S REPORT****5. Director's Announcements**

*Re: Discretionary Reviews*

- The Commission has had a series of hearings on simple and complex Discretionary Reviews.
- Starting on July 20 the Planning Department will implement this projects.
- Applications are rejected if they are incomplete.
- In the next two or three months, the Commission will start seeing some simple DRs that will have gone through the process.

**6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS – None**

**BOA – None**

**D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**Grace Tsai – Santa Barbara Ice Creamery**

- They have 400 signatures now of people who are against the project.

- There have been a few ice cream parlors that have closed.
- Thirty-eight of the restaurants in the area, serve ice cream.

**Charles Bain – Judy's Cafe**

- He owns a business in the area.
- He has been in the same address for many years.
- Ben and Jerry's is a non-profit organization and are not run by gross dollars in business.
- There was a moratorium because the street is unbalanced – it has too many food establishments.
- He is trying to stop more and more food businesses in the area.

**Jordan Sills**

- He is the permit applicant.
- He read a letter from a business owner who is in support of the project.
- He and his brother live in the Marina district and decided to purchase a franchise and open a Coldstone Ice Cream Shop.
- They tried to buy out Santa Barbara Ice Creamery but it was rejected.

**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

7. 2004.0409D (E. TOPE: (415) 558-6316)  
2301 CHESTNUT STREET (AKA 3253 SCOTT STREET) - southwest corner of Chestnut and Scott Streets; Lot 001 in Assessor's Block 0936 - **Request for Discretionary Review** of Building Permit Application No. 2004.03.03.7615, proposing to convert retail storage space (associated with Lucky Brand) to a small self-service restaurant (Cold Stone Creamery Ice Cream Store, a formula retail use, as defined by Planning Code Section 703.3(b)) in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

**Note:** On July 22, 2004, following testimony, the Commission closed the public hearing. Following Commission deliberation, this item was continued to August 5, 2004, to allow the absent commissioners to participate in the final decision. The vote was +4 –0 with Commissioners Bradford Bell and Hughes absent.

SPEAKER(S): None

ACTION: Take Discretionary Review and deny the Building Permit Application.

AYES: Hughes, W. Lee, Olague

NAYES: Antonini and S. Lee

RESULT: Motion Failed. No substitute motion was offered, therefore, the Building Permit Application is approved as submitted without modification.

**F. REGULAR CALENDAR**

8. 2003.1164D (M. WOODS: (415) 558-6315)  
6725 CALIFORNIA STREET - south side between 29<sup>th</sup> and 30<sup>th</sup> Avenues, Lot 47 in Assessor's Block 1404 - **Request for Discretionary Review** of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and deny the application.  
(Continued from Regular Meeting of June 24, 2004)

**NOTE:** On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

NOTE: On March 25, June 3, and June 24, 2004, without a hearing, the Commission continued this matter. Public hearing remains open on any new information submitted/presented.

SPEAKER(S):

*Re: Continuance*

**Jim Reuben**

- There is no opposition to this project.
- Staff requested the continuance and he is in agreement.

ACTION: Without hearing, item continued to September 23, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

9a.

2003.1243EZXC

(A. LIGHT (415) 558-6254)

418-420 JESSIE STREET - north side between 5th and Mint Streets, Lot 6, in Assessor's Block 3704 - Request for adoption of California Environmental Quality Act (CEQA) findings related to Mitigated Negative Declaration (MND), and adoption of the MND. The project lies within a P (Public) Zoning District (proposed for rezoning to a C-3-G (Downtown, General) District, as discussed in the MND and Director's Report), and within a 90-X Height and Bulk District. The proposed project is to rehabilitate the subject property (part of the historic Hale Brothers Department Store National Register of Historic Places site and formerly a San Francisco Fire Department firehouse) by seismically upgrading the building's structural system, and repairing/restoring/rehabilitating the historic façade. The use of the existing building would be converted from warehouse space on the upper levels and the former firehouse use on the lower two levels to approximately 25 residential units with ground floor retail (accessed from Jessie Street) and parking (accessed from Stevenson Street). Open Space would be provided by a combination of private balconies (located on a side façade) and a common roof terrace. The project would also include a vertical addition to the rear portion of the non-historic 1950s horizontal fire station addition to the east of the historic portion of the structure. This vertical addition would rise four levels above the rooftop of the existing non-historic horizontal addition, and would not be significantly visible from the front Jessie Street façade. The subject property is being sold by the City and County of San Francisco to the Project Sponsor.

(Continued from Regular Meeting of July 1, 2004)

SPEAKER(S):

**(+) Jim Reuben – Representing Project Sponsor**

- This is a culmination of a very long process.
- He displayed a diagram of how the car storage will work.
- This car storage system is appropriate for people who work in the area.

**(+) Olai Lumberg – Project Architect**

- This is a good building.
- The firehouse character will be maintained.
- The main floor will be restaurant space.
- The doors will be able to be opened up when there is nice weather.

**(+/-) Jeremy Nelson**

- They support the streetscape system.
- They stringing oppose to provide a 1 to 1 parking on an area that has the best transit.
- The mechanical system, which will move cars, is quite reliable.
- City car share has locations nearby.
- There is ample street parking.

ACTION: CEQA Findings Adopted  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16841

- 9b. 2003.1243EZXC (A. LIGHT (415) 558-6254)  
418-420 JESSIE STREET - north side between 5th and Mint Streets, Lot 6, in Assessor's Block 3704 - Request for a resolution recommending to the Board of Supervisors a **Zoning Map Amendment** to change the zoning of the site from a "P" (Public) Zoning District to a C-3-G (Downtown, General) Zoning District. The project lies within a P (Public) Zoning District, and within a 90-X Height and Bulk District. The proposed project is to rehabilitate the subject property (part of the historic Hale Brothers Department Store National Register of Historic Places site and formerly a San Francisco Fire Department firehouse) by seismically upgrading the building's structural system, and repairing/restoring/rehabilitating the historic façade. The use of the existing building would be converted from warehouse space on the upper levels and the former firehouse use on the lower two levels to approximately 25 residential units with ground floor retail (accessed from Jessie Street) and parking (accessed from Stevenson Street). Open Space would be provided by a combination of private balconies (located on a side façade) and a common roof terrace. The project would also include a vertical addition to the rear portion of the non-historic 1950s horizontal fire station addition to the east of the historic portion of the structure. This vertical addition would rise three levels above the rooftop of the existing non-historic horizontal addition, and would not be significantly visible from the front Jessie Street facade. The subject property is being sold by the City and County of San Francisco to the Project Sponsor. The property must be rezoned in order for the closure of the property sale, and also for the proposed Project to receive final approval.

(Continued from Regular Meeting of July 1, 2004)

SPEAKER(S): See Speakers for Item 9a.  
ACTION: Approved – Recommendation to the Board of Supervisors Passed  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16842

- 9c. 2003.1243EZXC (A. LIGHT (415) 558-6254)  
418-420 JESSIE STREET - north side between 5th and Mint Streets, Lot 6, in Assessor's Block 3704 - Request for a **Determination of Compliance under Section 309** of the Planning Code **with exceptions**. The project lies within a P (Public) Zoning District (proposed for rezoning to a C-3-G (Downtown, General) District), and within a 90-X Height and Bulk District. The proposed project is to rehabilitate the subject property (part of the historic Hale Brothers Department Store National Register of Historic Places site and formerly a San Francisco Fire Department firehouse) by seismically upgrading the building's structural system, and repairing/restoring/rehabilitating the historic façade. The use of the existing building would be converted from warehouse space on the upper levels and the former firehouse use on the lower two levels to approximately 25 residential units with ground floor retail (accessed from Jessie Street) and parking (accessed from Stevenson Street). Open Space would be provided by a combination of private balconies (located on a side façade) and a common roof terrace. The project would also include a vertical addition to the rear portion of the non-historic 1950s horizontal fire station addition to the east of the historic portion of the structure. This vertical addition would rise three levels above the rooftop of the existing non-historic horizontal addition, and would not be significantly visible from the front Jessie Street façade. Exceptions from requirements for rear yard and independently accessible

parking are necessary for Project approval. Final approval of this Determination of Compliance and granting of exceptions would be subject to the rezoning of the property described in Item "b" above.

(Continued from Regular Meeting of July 1, 2004)

SPEAKER(S): See Speakers for Item 9a.

MOTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

MOTION RESCINDED by Commissioner Antonini

ACTION: Approved with the Condition that BMR units not be the smallest in each Category.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16843

- 9d. 2003.1243EZXC (A. LIGHT (415) 558-6254)  
418-420 JESSIE STREET - north side between 5th and Mint Streets, Lot 6, in Assessor's Block 3704 - Request for a **Conditional Use authorization** to permit parking in excess of accessory amounts. The project lies within a P (Public) Zoning District (proposed for rezoning to a C-3-G (Downtown, General) District), and within a 90-X Height and Bulk District. The proposed project is to rehabilitate the subject property (part of the historic Hale Brothers Department Store National Register of Historic Places site and formerly a San Francisco Fire Department firehouse) by seismically upgrading the building's structural system, and repairing/restoring/rehabilitating the historic façade. The use of the existing building would be converted from warehouse space on the upper levels and the former firehouse use on the lower two levels to approximately 25 residential units with ground floor retail (accessed from Jessie Street) and parking (accessed from Stevenson Street). Open Space would be provided by a combination of private balconies (located on a side façade) and a common roof terrace. The project would also include a vertical addition to the rear portion of the non-historic 1950s horizontal fire station addition to the east of the historic portion of the structure. This vertical addition would rise three levels above the rooftop of the existing non-historic horizontal addition, and would not be significantly visible from the front Jessie Street façade. Final approval of this Conditional Use authorization would be subject to the rezoning of the property described in Item "b" above.

Continued from Regular Meeting of July 1, 2004)

SPEAKER(S): See Speakers for Item 9a.

ACTION: Approved with 24 lift spaces and 1 handicap parking space.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16844

- 10a. 2003.0363CDD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of residential demolitions, of Building Permit Application No. 2003.10.06.6594 proposing to demolish a one-story, four-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve demolition.  
(Continued from Regular Meeting of July 15, 2004)

SPEAKER(S):

Duet Monico – Project Sponsor

- The unit has been rented out.
- The soundness report proves that the building needs to be demolished.
- The building is also one story and is out-of-character with the other houses.
- The curb cuts have been reduced.

**(-) Robert Pender – San Francisco Tenants Network**

- The tenant community is seeking to preserve rent-controlled units.
- He is not against this individual landlord but is against any unit that is eliminated.
- Housing is important but rent controlled units allow low income and seniors to live there.

**(-) Jenny Mock**

- No matter how small the penthouse will be, it will block light from to her house.
- She is concerned about privacy and the parking issues.

**(-) Alice Tam**

- She lives around the corner from the project.
- The new building is four stories high and will be higher than the adjacent buildings.
- The new building will also be longer.
- The owner of the property does not live there so will he plan to live there?
- Does the owner plan to rent out the smaller units?

**(-) But Fay Huey**

- He is opposed to the project.
- He is concerned with the height of the new buildings.

**(-) Yolanda Thompson**

- She is opposed to this project.
- She has lived in the neighborhood for 40 years.
- She is concerned with the height and bulk of the new building.
- The penthouse should therefore be removed.

**(-) Jennifer Chan**

- She lives on 28<sup>th</sup> Avenue, which is on the other side of the proposed project.
- She is concerned that the project is too large.
- If the house would conform to all the rules then no one would be here.

**(+) Betty Fung**

- They have dedicated a lot of time on this project.
- They have tried to respect all of their neighbors.
- The new building will be in character with the other homes.
- This will be a homeowner occupied.

**(-) Vicky Brown Romano**

- She is the owner of the adjacent home.
- She objects to the height and the bulk and density of the project.
- The project should be limited to the same height as her building.

**(-) Ron Miguel - PAR**

- He has no problems with the demolition.
- The additional unit and the encroachment to the rear yards, is not sufficiently emphasized.
- He would like for the Commission to reduce the penthouse.

**(-) Mercedes Rendon**

- She has lived there for over 40 years.
- She purchased the house because it was not so high.
- She really enjoys living there and all the neighbors get along.
- The proposed house will block the light to her house.
- Many houses don't use their garage and park their cars on the street. The neighborhood is already congested.
- She has a view of the Golden Gate Bridge and is concerned that it will be blocked.

**(-) Anthony Sean Quinonez/Rendon**

- He is concerned with the parking.
- Many houses don't use their garages so they park on the street.
- He also has an issue with the height.

ACTION: Do not take Discretionary Review and Approve Demolition  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell

- 10b. 2003.1283DD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2003.10.06.6596 proposing to construct a four-story, three-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

(Continued from Regular Meeting of July 15, 2004)

SPEAKER(S): See Speakers for Item 10a.

ACTION: Take Discretionary Review and Approve with the removal of the 4<sup>th</sup> floor and the door in the corridor on sheet A2.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell

- 10c. 2003.0363CD (G. CABREROS: (415) 558-6169)  
2626 BALBOA STREET - north side between 27th and 28th Avenues; Lot 011A in Assessor's Block 1570 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 209.1 to allow up to one dwelling unit per 1,500 square feet of lot area, resulting in three dwelling units on a 5,000 square-foot lot in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The project is also subject to a mandatory Discretionary Review hearing per the Planning Commission's Residential Demolition Policy.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 15, 2004)

SPEAKER(S): See Speakers for Item 10a.

ACTION: Approved with the implementation of conditions placed on item 10b.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16845

11. 2004.0422D (D. DiBARTOLO: (415) 558-6291)  
500 DIVISADERO STREET - northeast corner at Fell Street, Lot 017A in Assessor's Block 1203 - **Request for Discretionary Review** of Building Permit Application No. 2004.03.03.7670, proposing to add an entertainment use (as defined in Planning Code Section 790.38) to the recently-approved approximately 1,700 square foot bar (to be called Madrone Lounge), within the two-story mixed-use structure. The proposal would add entertainment in the form of performance art and recorded and live music at the premises, between 9:00 p.m. and 1:00 a.m. Wednesday through Sunday nights. The site is within an NC-2 (Small-Scale Neighborhood Commercial) District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the application with conditions.

SPEAKER(S):

(-) Valery Hartwell – Discretionary Review Requestor

- She is opposed to the project since there are already a lot of establishments that serve liquor.

- The neighbors are concerned with the noise, the litter, lack of parking, increase in the public urination, and danger to drunken people.

**(-) Joseph Angelesco**

- He has lived in the neighborhood for 14 years.
- He has signatures of the 14 tenants of his building who are opposed to the bar.
- The after hour use will disturb the neighborhood.
- There was an article in the newspaper that there was a bust on an art gallery/bar.
- There are a lot of families in this neighborhood.
- The space should be used on family/neighborhood serving businesses.

**(-) Enid Braverman**

- She lives on Divisadero Street.
- She is concerned with the noise, traffic, and parking issues.
- She has worked hard to improve the conditions of the neighborhood.

**(-) Patricia Vaughey**

- The police department has had a hard time with this.
- They have been working very hard with the police department to set some strict conditions of approval.
- If the Commission is going to take Discretionary Review, it should include the conditions of approval.

**(-) Ron Miguel**

- He is concerned about the way this project has been worked out.
- It is difficult to determine when there are a series of permits being requested when they should have been requested at one time.

**(+) Mark Renne – Representing Project Sponsor**

- An art lounge is an adaptation of an art gallery.
- Small DJ lounges are found in various neighborhoods of the City.
- This use is compatible with the Divisadero Neighborhood.
- The project will further the intent by encouraging neighborhood serving businesses.
- The project sponsor has limited the hours and will provide security.
- There has been significant soundproofing.
- Various neighbors support this application.
- He is requesting

Wed to sun 12 to 1:30 a.m. Monday and Tuesday entertainment will stop at midnight.

**(+) Leila Fakouri**

- She never told anyone that it would be an art gallery.
- Her entire career has been with the arts.
- The idea is to link artists with people who will buy their work.
- There could be a DJ, three piece band, etc.
- The musicians will get paid for what they do so this would be a great place for musicians to work when they cannot find performances.
- Music is an integral part of an art establishment.
- She is willing to comply with all the conditions.

**(+) Amy Laitinen – Supervisor Gonzalez's Office**

- Supervisor Gonzalez has concerns regarding the number of liquor licenses has been repeated many times.
- This area needs responsible business owners since there is a difference with a business that sells liquor and a business like this one that is a combination art presentation/lounge.

**(+) Dean Preston**

- He supports the project.
- He is on the board of the Alamo Square Residents Association.
- It is stated that the Alamo Square Residents Association was opposed to the project yet they are in support of the project but opposed to the liquor license.
- They are interested in bringing small businesses to the area.

- The building has been vacant for about 10 years.

- Most people in the community are in support of the project.

**(+) Ty Sniffen – North of the Panhandle**

- He is in support of this project.

- He has heard people complain about the traffic noise but not bar noise.

- He has been working with people in the neighborhood to remove graffiti.

- The police are in support of this project.

- The neighborhood needs responsible business owners.

**(+) Megan Allison Wade – USF/Haight Divisadero Neighbors and Merchants**

- She lives in the area.

- The project sponsor had gone above and beyond taking care of the issues the neighborhoods have had

- A Discretionary Review is not necessary.

**(+) Andrew Wood**

- He knows the project sponsor and knows that she takes art seriously.

- She has always been someone to have the thrive to make art happen.

- He feels that taking Discretionary Review is no necessary.

- The gallery that she has worked at has always been tidy and stylish.

**(+) John Wood – SF Late Night Coalition**

- People have not been frequenting the large, wild bars and dance venues.

- It appears that it is stylish now to frequent small lounges, bars, etc.

- This is a very small venue yet people are treating it as it was a nightclub.

- He asked the Commission to support this project and approve it.

**(+) Charles Salter – Charles M. Salter Associate, Inc.**

- He has been an acoustical engineer for about 30 years.

- Working with the late night coalition, he has developed plans for these types of projects.

**(+) Emily Miller**

- She is an artist and will be living upstairs from the lounge.

- She will

**(+) Claire McGovern – The Lola Gallery**

- She has an art gallery.

- She has worked on various projects with Leila.

- She strongly encourages the Commission to support the future of the arts.

**(+) David Tornheim – Central City Progressive**

- Leila has been working very hard for this project and has been communicating with the neighbors.

- They passed a resolution in support of this project.

**(+) Joe O'Donoghue**

- He lives in the area.

- He gets upset when people think of bars as something dark and gloomy. Bars are actually a place for people to communicate and meet.

- The Commission should not take Discretionary Review since it would encourage bringing back into the city as well as being an entrepreneur wanting to open a business.

**(+) Jeremy Paul**

- He supports the purpose of this project.

- It is important the small business provide stability for business owner.

- There should not be any impediments placed on this business.

**(+) Adam Lear**

- He is an artists and lives near the project site.

- He and his friends would love to have this establishment open in the area.

**(-) Richard Kay**

- He has lived in the area for about 15 years.

- Leila presented the project at his neighborhood association and everyone was in support of the project.

- The location is so run down that he is happy that someone is willing to invest a lot of money to turn the building around.

ACTION: Take Discretionary Review and Approve the Project with the Following Conditions:

1. The Project Sponsor shall comply with any requirements for sound-proofing imposed by the Police Department prior to the commencement of the authorized entertainment.
2. The Project shall comply with all conditions imposed by the Police Department's Noise Abatement Unit on the Place of Entertainment Police Permit. Per Police Department report, sound shall not be audible from outside of the premises.
3. The operator of the bar shall maintain the main entrance and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup and disposal and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two weeks.
4. The entertainment shall be permitted as authorized by Police Department approval: Monday/Tuesday, 12:00 p.m. (noon) to 12:00 a.m. (midnight); Wednesday through Sunday, 12:00 p.m. (noon) to 1:30 a.m.
5. All windows and doors shall remain closed for the duration of the live entertainment.
6. The Project shall comply with all City Codes.
7. A Notice shall be placed upon the door at the entrance of the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion. This Notice shall be well lit and have clearly readable lettering at least 1 inch in height.
8. The Project Sponsor shall appoint a Community Liaison to address issues and matters of concern to nearby residents or commercial lessees. This liaison or a designated representative shall be available at the establishment at all times during business hours. The Project Sponsor shall report the name and telephone number of this liaison to the Zoning Administrator for reference.
9. The Project Sponsor or its successors shall comply fully with all conditions specified in this approval. Failure to comply with any condition shall constitute grounds for revocation of this building permit.
10. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder/County Clerk.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

- 12a. 2003.0525D (G. NELSON: (415) 558-6257)  
378 20<sup>th</sup> AVENUE - east side between Geary Boulevard and Clement Street; Lot 027 in Assessor's Block 1451 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.10.08.8572 to demolish an existing two-story single-family dwelling (the project also proposes the construction of a new two-family dwelling) in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

SPEAKER(S):

(-) Jeremy Paul – Representing Discretionary Review Requestor

- He gave a PowerPoint presentation on the subject property.

(-) Mary Bull – Green Wood Earth Alliance

- Demolition needs to be rethought.

- Resources are almost spent on planet earth.

- Deconstructing and not demolishing is what should be being done.

- The earth is almost without wood.

(-) Robert Pender – San Francisco Tenants Network

- The network is opposed to all demolition of all pre 1979 buildings.

- People are being forced out of the city.

- Pre 1979 buildings are protected with rent control.

- There have been too many demolitions.

- Housing needs to be built but without demolishing sound housing.

ACTION: Do not take Discretionary Review and Approve Demolition

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

- 12b. 2004.0423D (G. NELSON: (415) 558-6257)  
378 20<sup>th</sup> AVENUE - east side between Geary Boulevard and Clement Street; Lot 027 in Assessor's Block 1451 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction to replace demolished housing, or Building Permit Application No. 2002.10.08.8566 for the new construction of a four-story, two-family dwelling in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The proposed new building will contain two off-street parking spaces.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S): See Speakers for Item 12a.

ACTION: Take Discretionary Review and Approve Project requiring additional design enhancements (such as deep window profiles) typically required under the Residential Design Guidelines prior to staff approval of permits.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

13. 2004.0604D (M. SNYDER: (415) 575-6891)  
375 ALABAMA STREET - east side between 16th and 17th Streets, Lot 02 in Assessor's Block 3966 - **Mandatory Discretionary Review** of Building Permit Application No. 2004.07.21.9363, under the Eastern Neighborhoods Interim policies, proposing a change of occupancy to allow temporary classroom facilities for City College of San Francisco, in an M-1 (Light Industrial) District and a 50-X Height and Bulk District, and in a Core PDR area.

Preliminary Recommendation: Take Discretionary Review to record NSR limiting length of temporary use.

SPEAKER(S):

(+) Jim Blomquest – City College

- This would involve temporary City College facilities.

- City College is planning to build a new facility on Bartlett Street.
- This temporary facility would allow doing the renovation without any disruption to the student/faculty/community.
- They did a search for a best temporary location and found that this would be the most appropriate.

**(+) Julio Ramos – City College**

- This is a win-win situation with respects to the community and the faculty/students.

**(+) Dave Louis**

- He is a teacher at City College.
- Requested that the Commission approve this temporary facility since quiet is conducive to learning.

**(+) Allan Kessler**

- He is involved with Project Artaud.
- He supports the parking availability that would avoid parking on the street.
- It is important to support the various community organizations.
- He welcomes City College as their neighbors.

ACTION: Take Discretionary Review and record an NSR limiting length of temporary use to 48 months.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

**Items 14 and 15 were taken out of order.**

14. 2004.0088C (M. SNYDER: (415) 575-6891)
- 1042 MINNA STREET - north side between Lafayette and 11th Street, Lot 76 in Assessor's Block 3511 - **Request for Conditional Use authorization** under Planning Code Section 253 to construct three dwelling units that would be over 40-feet tall within an RH-3 District and 130-L Height and Bulk District. Conditional Use authorization is required for construction of any structure over 40-feet tall in a residential district. The subject site is within an RH-3 (House, Three-family) District and a 130-L Height and Bulk District.
- Preliminary Recommendation: Approve with conditions  
(Continued from Regular Meeting of June 24, 2004)

SPEAKER(S):

*Re: Continuance*

**Kay Griffin –LMNOP Neighbors**

- She requests continuance for a later date because the project has not been properly notified.
- The Planning Department and the project sponsor have not acted in good faith regarding community input for this project.
- There was no proper posting on this project.
- She first say a sign on July 18 which is not within the 20 days although the owner claims that he did post the sign yet she lives right across the street.
- She has not been able to get any information on this project in a timely manner.
- She requested that this case be continued, that the posting be done in a timely manner and that the sign is placed in a visible location.

**Toby Morrison – Project Architect**

- They have no interest for a continuance.

**Joe O'Donoghue**

- He does not agree to a continuance.

**Kate Morgan – LMNOP**

- There has not been enough notice for this case.

- There were some problems with the posting.

**Kevin Page**

- He has been calling asking for plans of this project.
- He has not been able to get proper responses to his questions.
- The neighborhood needs to look at this and be reasonable.

ACTION: Without hearing, item continued to August 12, 2004.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

15. 2004.0483C (M. LI: (415) 558-6396)  
1220 POLK STREET - northeast corner at Sutter Street, Lot 011 in Assessor's Block 0669  
- **Request for conditional use authorization** to establish a small self-service restaurant (dba "Extreme Sandwiches") of approximately 600 square feet within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. There will be no physical expansion of the existing building.  
Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****Mickey Patel – Project Sponsor**

- He would like his sandwich shop opened.

ACTION: Approved with Conditions: add new Condition of Approval on timeline and when a project expires.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

## 5:00 P. M.

### G. COMMISSION MATTERS

16. Discussion of a potential process for the Commission to (1) review the position of Director of Planning; (2) determine the qualifications for the position; and (3) recruit and consider potential candidates for the position.

**SPEAKER(S):****Bruce Bonacker – San Franciscans for Preservation Planning**

- There has been a collective concern about leadership within the Planning staff.
- There is a perception that this leadership has been lacking.
- They are looking forward for help from the Planning Commission.
- He recommends a wide search within and outside of San Francisco.
- In the search and in the discussions, recognize the importance of San Francisco's existing character.

- The new leader should de-politicize the atmosphere in which planning takes place, strengthening public trust and community dialogue and encouraging the highest professional standards, communicating and working with different constituencies, the value of community based planning, the appreciation of history, contextual planning, etc.

**Joe O'Donaghue – Residential Builders**

- In the search for looking for a planning director, the question is why are we looking for a planning director.
- The problems that the planning director has had is the blocks that the Board of Supervisors has made.
- One of the primary credentials will have to have is a skin of a hippopotamus.
- There is an exodus of African American leaders in this City.

- More specific reasons of protocol need to be established.

**Nilka Julio – Local 21**

- The Union appreciates the continued interest of the Commission in this endeavor.
- There is some much secrecy and so much stomping on the Charter.
- The language in the Charter is quite clear.
- The Union will support the Commission in providing the Mayor with candidates and not the other way around.

**Kate White – Housing Action Coalition**

- The Mayor ran on a good planning of long range planning, ethical behavior, etc.
- These are all the qualities that they want to see in a new director of Planning.
- She has been working on various projects in San Francisco.
- It has been a decade since the Planning Department has moved forward on any projects.
- This shows a real lack of leadership and management. The will is there but there needs to be more leadership.
- The Commission should move quickly to pick the candidates and forward them to the Mayor.

**Mary Bull – Green Wood Earth Alliance**

- She echoes the previous speakers.
- The qualifications of the candidates should not be "yes" men for big development.
- She believes in neighborhood sovereignty.
- Sustainability in this City is very important.

**Lois Scott – President of the Planners of Local 21**

- They suggested rewriting the job description of the planning director since it probably dates back 50 years.
- The Commission should take an active role in the local and national search for the director.
- The planning director needs to motivate staff.
- Staff should be allowed to participate in the search process.
- Staff should also be involved in the annual evaluation process.

**Joshua Switzki – Planning Staff**

- Candidates should display a thorough commitment in thoughtful engagement in the field of planning.
- Someone who has a graduate degree in this field.
- A well rounded planner is needed.
- The department does not need a technocrat who will just interpret the code.
- It would be great to include the planning staff in the process of choosing someone.
- An international search would also be good.

**David Alumbaugh – Planning Staff**

- Six months ago, planning staff heard that the Mayor was searching for a new planning director. Planning staff contacted the Mayor's office to remind him that planning staff was available to cooperate in the search.
- After much effort, planning staff was able to obtain a meeting with the Mayor yet only the Mayor's staff was able to meet.
- Later an ad was placed in the APA Journal.
- There has not been any planning staff input in this search.

**Richard Marquez**

- No process for selection of a director should lose site of the historical lessons of the urban trenches of America.
- This is also about vision, techniques, compassion, etc.
- Planning directors have focused on the corporate ties of San Francisco.
- Commissioners should not loose site of the ball whether it is a long list or a short list.

**Pat Buskavich**

- He is a former building Commissioner.

- He knows of all the issues between the Planning Department and the Building Department.
- The most important thing that the planning director should deal with is the budget. The second most important thing is that the candidate who has the technical ability to interact with the Commission. This is critically important to do.
- The other thing is that the director should have an institutional memory of the history of San Francisco.
- A director should also be accessible to everybody.

**Jeremy Paul**

- He echoes the previous speaker's comments.
- The director should be able to juggle priorities that are crucial to every other function.
- There is an impact of delays of implementation processes.
- He does not know who the candidates are but is confident that Mr. Larry Badiner has the knowledge of being a director since he has been acting director.

**Daniela Kirshenbaum – San Francisco Neighborhood Network**

- Is it time for San Francisco to join the ranks of the lesser cities or should the residents applaud painfully on.
- Last time she was at the Commission, she noticed how surprised the Commission was to learn that the director would be absent one year.
- Larry Badiner has helped to begin a fine process but because of the polarization begins at the Department of City Planning, she urges the Commission to start a new chapter in the history of this city.

**Jim Chappell**

- As he understands the City Charter, it includes that the mayor can appoint department heads subject to the provisions of the Charter.
- The Charter also states that the duties of the Commission includes removal of a department head. The Mayor may recommend removal of a department head and it shall be the Commissions duty to act on the recommendation by removing or retaining the department head within 30 days.
- The Planning Commission shall provide the Mayor with at least three candidates for director of planning.

**Lebod Piech – Culture Makers**

- There is a certain concern from the people who preserve culture that the people have been clouded about forward thinking people that have multidisciplinary skills.
- It would take a keen openness to recognize a candidate who has the ability to see both global possibilities as well as be competent and well trained.
- If one opens their minds and find a way to look and research into the extracurricular activities of the candidates, he is sure the future of San Francisco would look right.

**Tom Redoulavitch – Transportation for a Livable City/Board of Directors of the Bay Area Rapid Transit System**

- It is important to do an international search.
- There are some fantastic and innovative people in various countries.
- Maybe the department does not need a planner but an urbanist.
- Someone with a strategic bend is important.
- The director needs discretion to organize the department.
- The Commission also needs to know what they do and think strategically as well.

**David Nivogrosky – Executive Director of Local 21**

- Over the past 20 years that he has been working with the Planning Department, he has seen a deterioration in the department because of a lack of leadership.
- He would like to also associate himself with Jim Chappell and his testimony this evening.

**Kay Griffith**

- She actually used to work in urban planning and has lived in San Francisco for 40 years.

- There has been a lot of irreplaceable changes done because of a lack of planning.
- She would like to see someone professional with a real sense of aesthetic.

**Alton Chin – Planning Staff**

- He has enjoyed the nature of his work and that his contributions were respected.
- The Commission should consider the ability of the new director to manage the organization and respect the professionalism, seriousness and contributions of all the department.
- It is important to see the strategic direction and goals of the Information and Technology group.
- The whole department as a whole should have a strategic plan.

**Clark Mannus – Architect**

- He has practiced in the city for 20 years.
- He congratulated the Commission for their service.
- There are a lot of people in the department that work really hard and provide quality work.
- The Commission needs to look for one individual that has international stature.
- The department should have a group that can work as a unit.

**Emeric Kalman**

- Is this a competitive and open process?
- There are some rumors that the Mayor's office or the Mayor himself submitted a list of candidates to the Commission.
- Can anyone submit their resume?
- There are some many surprises and rumors from the press.
- Politics should stay out of this process.

ACTION:      The Commission decided to 1) request from the Mayor's Office information related to the applicants; 2) schedule publicly noticed meetings for the subcommittee with proper notifications.

**H. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment: 8:23 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, SEPTEMBER 23, 2004.

SPEAKERS:    None

AYES:           Antonini, Hughes, S. Lee, W. Lee, Olague

ACTION:       Approved

EXCUSED:       Bradford Bell

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, August 12, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

OCT 13 2004

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Michael J. Antonini, Kevin Hughes, Sue Lee, William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** Shelley Bradford Bell

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:40 p.m.

### EXECUTIVE CLOSED SESSION

PLANNING DIRECTOR APPLICATIONS - The Planning Commission will meet in closed session to review applications for Planning Director as received from the Mayor's Office.

At the conclusion of the closed session, and pursuant to Section 67.10(b) of the San Francisco Administrative Code, the Commission will reconvene in open session and shall by motion and vote elect to:

ACTION: The Subcommittee voted to Disclose no information

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning and Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Leigh Kienker; Rick Cooper; Paul Lord; Mary Woods; Adam Light; Jonathan Purvis; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### **A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2003.0304CV (J. PURVIS: (415) 558-6354)  
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - Request for Conditional Use authorization under Planning Code Sections 207.5, 263.11, 271, and 157 to construct a nine-story, mixed-use building with up to 69 dwelling units at a density of one unit per 147 square feet of lot area under Section 207.5, to construct an 85-foot-tall building (with a 16-foot-

tall mechanical penthouse) in the 40-X/85-B Height and Bulk District under Section 263.11, to exceed the bulk limits at the 50-foot height by 60 feet in length and 54 feet diagonally (by 48 feet in length and 42 feet diagonally at the 65-foot height) under Section 271; and to provide parking exceeding accessory amounts (with up to 62 spaces for project residents) under Section 157. On the ground floor, garage access would be provided at Shipley Street, and up to 5,000 gross square feet of retail space would be provided with access from Folsom Street. The proposed project would also require a rear yard modification and a variance from dwelling unit exposure requirements. The site is within an RSD (Residential/Service) South of Market Mixed-Use District, and a 40-X/85-B Height and Bulk District.

Preliminary Recommendation: Approval with modifications and conditions  
(Continued from Regular Meeting of May 27, 2004)

**NOTE:** On May 27, 2004, the Commission passed a motion of intent to approve by a vote +5 –1. Commissioner S. Lee voted no. Final Language July 1, 2004. Public testimony remains open on any new information.

**NOTE:** On July 1, 2004, the Commission continued the matter to August 12, 2004.  
(Proposed for Continuance to October 7, 2004)

SPEAKER(S):

*Re: Continuance*

**Jim Salinas**

- He is representing Carpenters Local 22.
- He is in support of the continuance.
- The continuance should be to September and not October.

**Steve Atkinson**

- He would like to have this item scheduled sooner than October.

ACTION: Without hearing, item continued to October 7, 2004.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

- 1b. 2003.0304CY (J. PURVIS: (415) 558-6354)  
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 – **Requests for Variances.** The proposal is to construct a nine-story, mixed-use building with up to 69 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. A variance is sought from dwelling unit exposure requirements, as the horizontal dimensions of the inner court do not meet the requirements for an open area as defined under Section 140(a)(2) for dwelling unit exposure, and 27 of the 70 units have no exposure other than this inner court. The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.

(Continued from Regular Meeting of May 27, 2004)

**NOTE:** On May 27, 2004, Zoning Administrator has left the public hearing open and continued the item to July 1, 2004.

**NOTE:** On July 1, 2004, Zoning Administrator continued the matter to August 12, 2004.

**(Proposed for Continuance to October 7, 2004)**

SPEAKER(S): See Speakers for Item 1a.

ACTION: Without hearing, item continued to October 7, 2004

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

**B. COMMISSIONERS' QUESTIONS AND MATTERS****2. Commission Comments/Questions****Commissioner William Lee:***Re: 170 St. Germain*

- He requested input from either the Planning Department or the Building Department regarding the demolition and if it was done in compliance from the permits issued.
- He received another letter from Walter Kapland again mentioning that the contractor exceeded the scope of work.

- What are the procedures on having a re-hearing?

**Deputy City Attorney Cleveland-Knowles responded:**

- There is no existing provision in the Planning Code for a rehearing or a reconsideration of an item and there are no provisions specifically in the Planning Commission rules.
- The Planning Department continues to have jurisdiction over the building permit until the Planning Department sends it back to the Building Department.
- If the Commission would like to schedule the item again, they can.
- This calendar would have to be noticed within its regular time.

**Director Green responded:**

- The statement that was made at the hearing when this item was heard is not true--that the Building Department has not resolved work previous to what was presented at the Commission.
- He believes that if these issues influenced the Commission's vote, the Commission can decide to bring this back before them at a future date.
- He does not know how the Building Department has answered these allegations.
- He will speak to the City Attorney to see what abilities he has to hold this permit.

**Commissioner Antonini:***Re: Legality of Reinstitution of Controls in the Mission Area.*

- He will be receiving an answer regarding this issue.
- He will report on this in the future.

**Commissioner Hughes:***Re: 170 St. Germain*

- If he understood correctly, the Commission has the right to reschedule a case that had previously been heard by the Commission.

**Director Green responded:**

- The Commission has the right to reschedule an item.

**Commissioner Hughes:**

- So the Commission could rescind its decision, take the item off calendar, etc.?
- He recommends that the item be scheduled on the October 7, 2004 calendar.
- The basis of the request is that if this is a frivolous assertion or it has merit, the commission needs to decide on this case dependent upon the facts.

**Commission Antonini:**

- If some resolution is found prior to that date, the project should not be held up because of the calendared item.

**Director Green responded:**

- This would be a tough call for the Planning Department because staff will be preparing for a hearing, dealing with the Building Department and trying to find out what is the case regarding the other permit because the permit in question was not the permit that was before the Commission. It would be difficult to make a decision prior to the suggested calendared date.
- It is important to wait to the calendared date so that the Commission is prepared and ready to take an action.

**Commission Antonini:**

- He just wants to make sure that the Commission is not crossing jurisdictions.

**Commissioner Hughes:**

- This affords both parties the opportunity to review the tapes and make a transcript of them.

**Director Green responded:**

- If it is the desire of the Commission to calendar this for reconsideration on October 7, 2004, staff can present on September 2, under director's report the information we are aware of at that time. The Commission can acknowledge if this is something they need to reconsider or if it is something that has been resolved and no longer needs to be heard. Scheduling this on September 2, would allow the Commission and staff to engage in a dialog and contact the individual who made these statements.

**Commissioner Sue Lee:**

- This is fine with her but she does not want this to become a precedent for other cases, or to become a tactic to delay cases.

**Commissioner William Lee:**

- There are a lot of issues in various cases that have been decided upon by the Commission so he wants to find out what the truth is on this case.

**Director Green responded:**

- He wants to be clear that the issue here is whether or not what the Commission heard is truthful or not.

**C. DIRECTOR'S REPORT****3. Director's Announcements**  
**None****4. Review of Past Week's Events at the Board of Supervisors and Board of Appeals**  
**BOS –***Re: Finance and Audits Committee*

- Finance Fee Adjustments was heard and was unanimously moved on to the full Board after the summer recess.

*Re: Retail/Pharmaceutical Review*

- An amendment to delete the requirement that changes a use to a retail coffee store or pharmaceutical/personal toiletries use are subject to notification and review. This was considered by the Land Use Committee and passed along to the full Board with the modifications that were discussed at a previous Commission hearing.

*Re: Designations of Landmarks*

- 300 Bartlett Street (Carnegie Mission Library) and Laguna Honda MUNI Station this was passed on to the full Board with support by the Land Use Committee.

*Re: Legislation Introduced on August 3, 2004*

- Two pieces of legislation were introduced: 1) would involve controls for movie theatre demolitions. 2) prohibit formula retail in the North Beach Neighborhood Commercial Districts. These were introduced by Supervisor Peskin.
- Supervisor Gonzalez introduced legislation that would bring on Conditional Use requirements in the Haight Commercial districts.
- Supervisor Hall introduced legislation that would increase the allowable height for elevator penthouses.

**BOA – None**

**D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

*Re: 2601 Mission Street*

**David Fein**

- They have reduced the height of the antennas to be installed at this location.

**Dan Figueroa**

- He is available to answer questions.
- The engineer is also available to answer questions.

**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

5. 2003.1208C (M. SNYDER: (415) 575-6891)  
2601 MISSION STREET - southeast corner at 22<sup>nd</sup> Street, Lot 69 in Assessor's Block 3637 - **Request for Conditional Use authorization** under Planning Code Sections 712.83 and 790.80 to replace nine antennas that are now on the southern and western walls at the roofline with nine antennas that would be located on the middle portions of western, southern, and eastern walls approximately 77-feet above grade. These antennas are part of an existing Wireless Telecommunications Services facility operated by AT&T Wireless. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 50-X / 65-B Height and Bulk District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 2 Location Site, an existing site on which a legal wireless telecommunications facility is currently located.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of June 3, 2004)

**NOTE: On April 15, 2004, following public testimony, the Commission closed public hearing and continued the matter to June 3, 2004, instructing the Project Sponsor to provide better coverage maps. The vote was +5 –0. Commissioners Feldstein and Hughes were absent.**

**NOTE: On June 3, 2004, the Commission continued the matter to July 1, 2004.**

**NOTE: On July 1, 2004, the Commission continued the matter to August 12, 2004.**

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16847

#### F. REGULAR CALENDAR

6. 2004.0088C (M. SNYDER: (415) 575-6891)  
1042 MINNA STREET - north side between Lafayette and 11th Street, Lot 76 in Assessor's Block 3511 - Request for Conditional Use authorization under Planning Code Section 253 to construct three dwelling units that would be over 40-feet tall within an RH-3 District and 130-L Height and Bulk District. Conditional Use authorization is required for construction of any structure over 40-feet tall in a residential district. The subject site is within an RH-3 (House, Three-family) District and a 130-L Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of August 5, 2004)

SPEAKER(S):

**Toby Morris – Representing the Project Sponsor**

- The continuance allowed them to meet with the neighborhood and this meeting was fruitful.
- This is a neighborhood with 40+ foot tall buildings. The project is therefore consistent with the neighborhood.
- They have received a letter from Mr. Page who is requesting to bring down the stage tower a few feet.

**Joe O'Donoghue**

- The suggestion from the Commission to postpone this item was a good one so that they were able to meet with the neighbors.
- It is important to build up to the allowable height.

**Tom Page**

- He appreciates the continuance allowed last week.
- He knows that they have reached the best solution possible.

ACTION: Approved as Amended per revised plans dated August 10, 2004.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16848

7. 2004.0522C (P. LORD: (415) 558-6311)  
2001 UNION STREET - southwest corner of Union Street and Buchanan Street; Lot 024 in Assessor's Block 0541 - Request for Conditional Use authorization under Section 725.49 of the Planning Code to convert a portion of the currently vacant ground floor retail space into a financial service use (Comerica Bank), within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District.
- Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

**(+) Jerod Eigerman – Reuben and Junius**

- The size of the store will not be increased.
- The site has been vacant for many years.
- The building application has been filed and neighbors have been notified.
- There are no physical impacts to the building.
- The project directly serves the needs of this district. It is neighborhood serving.
- There are only two other banks along the street.
- This project will not create an over concentration.

**(+) Lynn Beteag – Comerica Bank**

- The bank has been in business for 150 years.

- Their services are based in three areas: small business, business wealth, and institutional management.

- They have about 11,000 employees.

- They are in a growth mode and are very excited about opening up a branch at this location.

- They plan to be a corporate neighbor and plan to be there for many years.

**(+) Mark Palmer – Comerica Bank**

- Their mission is to provide entrepreneurs with resources to get their business off the ground.

- They provide people with successful strategic plans, retirement plans, etc.

**(+) Jan Hinterman**

- She is a San Francisco native.

- She works in the building and is excited that this bank wants to open a branch at this location.

**(+) Matt Kabu**

- He has been living in the area for more than 18 years.

- He also has worked in the building for about five years.

- Even thought there are other banks on the street, he welcomes Comerica Bank because they might provide competitive rates.

**(+) Charles Yun – Comerica Bank**

- They provide many personalized services to the community.

- They spend a lot of time as consultants. They listen to their clients and direct them on to where they want to go.

**(+) Ronald Harris**

- He has been associated with Union Street since 1968.

- He is the property manager of the building and supports this project.

**(+) Shaw Dehghan**

- He has been a business owner on Union Street for many years.

- He supports this bank.

- Having another bank would help the merchants on the street.

**(+) Alen Wall**

- He is a surgeon and is very familiar with the area since he has been there since 1958.

- He has helped to bring other small businesses to the area.

- Comerica is known for being involved in their community.

**(+) Otis Watson – Comerica Bank**

- It is his responsibility to make sure that the bank supports small businesses, housing initiatives, etc. within the communities that they serve.

- Their master plan for growing branches is supported by many organizations and communities.

- They have contributed about \$149 thousand to grants.

**(+) Jim Salinas**

- He is impressed with what he just heard about filling community needs and would support this project.

**(-) Leslie Lenheart – Union Street Merchant's Association**

- She does not want to sound as if the association is mean, but they have always tried to have businesses be mostly shops and restaurants.

- They passed out a questionnaire to the tenants of that building.

- Allowing this bank could change the balance of the neighborhood.

ACTION:      Approved with Conditions from the Merchant's Association: 1) If lease is up and Comerica leaves, building will revert back to retail; 2) Comerica should cooperate and work with them on their various promotional and advertising activities and participate in their events. They are not asking that they belong to the Association but just to participate.

AYES:      Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell  
MOTION: 16849

8. 2003.0053E: (L. KIENKER: (415) 558-5970)  
520 CHESTNUT STREET. North side, between Powell and Mason on Assessors Block 0052, Lot 009. **Appeal of Negative Declaration.** The proposed project is construction of a 27,143-gsf multi-story vertical addition to an existing industrial building and basement, resulting in an approximately 35,000-square-foot four-story building of 20 residential units and 21 independently accessible parking spaces in a below-ground garage. The project would require Conditional Use and Variance authorizations (2003.0429CV). The subject property is in the North Beach Neighborhood Commercial District, and is in a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of July 15, 2004).

SPEAKER(S):

(-) Susan McCullaugh – Appellant

- She lives on Chestnut Street.
- They are concerned that 12 units face the common lot line with the units of the next building over.
- They appreciate the concession that they made, but they don't feel that it is enough.
- She has not been able to get all of the residents to agree on the concession.

ACTION: Negative Declaration Upheld

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16850

- 9a. 2003.0429CV (M. LUELLEN: (415) 558-6478)  
520 CHESTNUT STREET. North side, between Powell and Mason on Assessors Block 0052, Lot 009. **Conditional Use Authorization** pursuant to Planning Code Section 722.11 for development on a lot over 5,000 square feet. The proposed twenty unit (20) residential building would retain the existing historic two-story industrial building and construct two new stories on the roof that are set back eight feet from the face of the building. Twenty-one (21) independently accessible parking spaces and bicycle storage would be provided in the existing basement. The total project would consist of approximately 35, 000 square feet in a four-story building. The subject property is in the North Beach Neighborhood Commercial District, and is in a 40-X Height and Bulk District. The Zoning Administrator will hear related variance requests.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Jim Reuben – Reuben and Junius – Representing Project Sponsor

- The building does have a bit of a history.
- The neighbor who filed the appeal is located in the next building.
- There is a very large skylight located in the building of the appellant.
- The building can only be set back in so many places otherwise it would interfere with ADA requirements for bathrooms, etc.
- There were other neighbors who were opposed to the project but when the setback was designed, many approved of the project.

(+) David Sternberg – Project Architect

- The existing building has a basement garage and they are keeping this for parking.
- The podium is actually at street level.
- Through many processes, they have been able to keep the façade in the front.
- He displayed a floor plan of the proposed project.

(-) Jeremy Nelson – Transportation for a Livable City

- He is concerned with the one-to-one parking requirements.
  - The project is located a few blocks from the 15 and 30 MUNI lines.
  - So the requirements don't make sense.
  - The project is also located in an area where not that many people own cars.
  - He suggested that this requirement be revisited.
- (-) Howard Strassner – Sierra Club
- The parking should be unbundled in this project.
  - The Better Neighborhoods project does not support one-to-one parking.
  - It is important to encourage the developer to use the space for something else.

(-) Fabian Alberts

- He lives on Francisco Street.
- They are the only unit that would be affected by the project.
- They are concerned that if the building goes up 40 feet, it would affect their light and view.

(-) Susan McCollough

- There might have been some misconception on which neighbors are opposing the project. It seems that there are some neighbors who are neutral. She wanted to make this clear.
- Parking is a very big issue in the area.
- Street cleaning has been stopped in the area because people do not want to move their cars.

ACTION: Approved as Amended: Unbundle the parking  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16851

- 9b. 2003.0429CY: (M. LUELLEN: (415) 558-6478)  
520 CHESTNUT STREET. North side, between Powell and Mason on Assessors Block 0052, Lot 009. **Request for Variances and Rear Yard Modification:** (A) rear yard modification in accord with Section 134(e)(1) to provide a reduced rear yard, equal approximately 1200 square feet where approximately 2300 square feet are required. (B) Variance to Section 135(g)(2) to provide usable open space that does not meet the required minimum dimensions or area for fourteen of the proposed dwelling units, (C) Variance to Section 140 to provide less than the required minimum dimensions or area for dwelling unit exposure for eight dwelling units proposed for the third and fourth floors. The proposed project is the subject of a Conditional Use hearing as described above. The subject property is in the North Beach Neighborhood Commercial District, and is in a 40-X Height and Bulk District.

SPEAKER(S): See Speakers for Item 9a.

ACTION: Acting Zoning Administrator closed the public hearing and felt that there are grounds for support of the variances. He will relay this information to the Zoning Administrator.

10. 2004.0402C (W.HASTIE: (415) 558-6381)  
165 GUERRERO STREET - east side, on the corner of Guerrero and Brosnan Streets; Lot 29 in Assessor's Block 3533 - **Request for Conditional Use Authorization** for a residential care facility, dba as "Pleasant Street Grove Home", for more than seven persons, pursuant to Planning Code Sections 209.3(c). The property is located within an RM-2 (Mixed Residential, Moderate Density) District with a 40-X Height and Bulk limit. Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Mark Gisler – Project Sponsor

- He is available for questions.

ACTION: Approved

AYES: Hughes, S. Lee, W. Lee, Olague

ABSENT: Antonini and Bradford Bell

MOTION: 16852

11a. 2204.0272XV

(A. LIGHT: (415) 558-6254)

83 McALLISTER STREET - south side between Leavenworth Street and 7th Street N., Lot 32, in Assessor's Block 351 - Request for a **Determination of Compliance** under Section 309 of the Planning Code to permit conversion of existing office space to approximately 60 residential dwelling units, with an exception to the Planning Code rear yard requirements; and for the granting by the Zoning Administrator of dwelling unit exposure and parking variances; for the subject property, which is in the C-3-G Zoning District and a 80-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission. The proposal is to seismically upgrade the subject five-story office building (The Methodist Book Concern, a contributor to the Civic Center Historic District, and a Category I Building under the Downtown Plan); and convert the existing office use to approximately 60 small dwelling units, with ground floor retail and lobby space, and supporting residential services on the basement level. No parking would be provided, and no exterior alterations to character-defining facades are proposed, therefore no Certificate of Appropriateness would be required for this project.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

**(+) Steve Vettel – Representing Project Sponsor**

- The units, although small, have a lot of volume.
- There can be lofts because of the good use of space.
- The windows on all the units are quite large and quite high.
- There are large storage units in the basement as well as a gym and a community area.
- It is not possible to put any parking spaces here.
- This is a unique housing project in a transit rich location.
- The building should be converted to a higher and better use.

**(+) Carolyn Diamond – Executive Director of the Market Street Association**

- She is here to support the project.
- This project has all the positive elements of a good development.
- This will draw a mix of residents.
- The project meets some of the goals for the Mid-Market area.

**(+) James Stewart – Hastings College of Law**

- They support this project and feel that it will help revitalize the neighborhood.
- It will also provide housing for the students of Hastings College.

**(+) Richard Almond**

- He has been involved in housing in the tenderloin.
- This project provides good housing options for downtown financial services.
- It provides housing for people to take their first step in the business world.
- The developers have given every indication that they care for the neighborhood.

**(+) Jeremy Nelson – TLC**

- They support an off street parking Variance and one-to-one bicycle paring.
- This project is quite adequate since it provides more housing than parking.
- Housing units without car parking are more affordable.
- They requested that the project sponsor work collaboratively with DPT and DPW to enliven the expansive right of way since it is not a standard sidewalk width. This could be done through the use of landscaping, street trees, pedestrian scaled lighting, seating, special pavement treatments, etc.
- He suggested that they provide bicycle parking as well.

ACTION: Approved with Conditions as Amended: 1) The BMR units required as part of the inclusionary ordinance would not be the units that are adjacent to the deepest portions of the light well.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell  
MOTION: 16853

- 11b. 2004.0272XV (A. LIGHT (415) 558-6254)  
83 McALLISTER STREET - south side between Leavenworth Street and 7th Street N., Lot 32, in Assessor's Block 351 - Request for **dwelling unit exposure and parking variances** for the subject property, which is in the C-3-G Zoning District and a 80-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission. The proposal is to seismically upgrade the subject five-story office building (The Methodist Book Concern, a contributor to the Civic Center Historic District, and a Category I Building under the Downtown Plan); and convert the existing office use to approximately 60 small dwelling units, with ground floor retail and lobby space, and supporting residential services on the basement level. No parking would be provided, and no exterior alterations to character-defining facades are proposed, therefore no Certificate of Appropriateness would be required for this project.

SPEAKER(S): See Speakers for Item 11a.

ACTION: Acting Zoning Administrator closed the public hearing and believes there are grounds for granting the variance and will recommend that the Zoning Administrator do so. He will also recommend that the designation of units be mixed throughout and at least 10 bicycle parking spaces be added to the project.

12. 2004.0506D (R. CRAWFORD: (415) 558-6358)  
464 30<sup>TH</sup> STREET - North side between Noe and Sanchez Streets. Assessor's Block 6639 Lot 020 - **Request for Discretionary Review** of Building Permit Application No. 2004 0310 8295, to construct horizontal and vertical additions to the existing one family dwelling including a full third story and a rear extension in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of July 22, 2004)

SPEAKER(S):

(+) **Donna Hitchens – Discretionary Review Requestor**

- She has lived here for 25 years. The primary light and air is on the side that faces the project and it will be blocked.

- This is really an issue of the light and air available to their home.

- She realizes that the project sponsor has the right to renovate and make a profit.

- They set up a meeting with the project sponsor after the last continuance. They made an offer and have not received a counter offer from them.

(-) **Bob Baum – Project Architect**

- The developer does not comply with Prop M or the Residential Design Guidelines.

- There is more than one neighbor who opposes the project.

- He displayed diagrams of the project showing that the proposed project is not comparable in height and bulk.

- They have prepared a model which displays a project that is in compliance with the Residential Design Guidelines and consists of good neighbor policies.

(-) **Mark Madsen**

- He lives on 30<sup>th</sup> Street.
- He has a business at home and relies on the light coming into his work area.
- He does not oppose to the remodel but he does oppose the size and bulk of it.
- The developers will not be their neighbors since they will just remodel and leave. The neighbors have a long time interest in the area.

**(-) JoAnne Madsen**

- They have made improvement to their home keeping within the neighbors wishes.
- They enjoy natural light in four bedrooms. This light really opens up the house and makes it look larger and warmer.
- Their picturesque windows will look into a wall.
- They will lose much of the charm and appeal of their home.
- Her garden has been a tenure project for many years.
- The project sponsor has continued with their project with disregard to the issues exposed by the neighbors.
- Please preserve the neighborhood and her garden by not approving this proposal.

**(-) Claire Piltcher**

- She funded Friends of Noe Valley about 30 years ago.
- She has worked closely with [many] developers and she has concerns. The revised Residential Design Guidelines are not being met (and knows the older version by heart).
- This is clearly a demolition and it is happening all over the city.
- If there isn't some relief given to these neighbors, they will have to appeal the decision.
- The DR requestors have not been given the opportunity for a light well or a set back.

**(-) Darlene Crisp**

- She has lived in the neighborhood for many years.
- This project conflicts with the City's Master Plan.
- This massive construction will increase the rental rate and selling price for properties.
- The size of the building is completely out of scale with the neighborhood.
- The massive expansion in the rear yard will block sunlight to the neighbors.
- If one lived next door to this project, one would not like to have their lifestyle affected.

**(-) Jace Levinson**

- The impact will be detrimental.
- This proposal is just too huge and it will impact the adjacent building.
- While the Planning Code allows the size of this project, it is not required.

**(-) Tom Mogensen – Upper Noe Neighbors**

- They support the Discretionary Review because the project does not respect the character of the neighborhood.
- It seems that the matter here is not having bedrooms but how big these bedrooms should be.
- He suggests that the Commission take Discretionary Review.

**(+) John Sanger – Representing the Project Sponsor**

- Often when there is a renovation, it will impact the adjacent neighbors in some way.
- The project will extend 13 feet in the rear and will be set back.
- A neighbor did a similar project in 2002 and it did not include a setback.
- The Residential Design Guidelines allows what is being proposed.
- The project will not have an intrusion in the mid block open space.

**(+) James Aaron – Project Architect**

- The intent of the project was to not impact the neighbors.
- He has not had an opportunity to view the model that was presented by the Discretionary Review requestor's representative so he has not been able to verify the scale.
- The project has a very conventional design.

**(+) Joe O'Donaghue**

- Staff approved this project not because of developer power.
- His house is right next to a very blank wall. We live in a city so it is hard to avoid these types of situations.

- If this situation was really about light and air, the way the project is being designed, this has no impact at all.

- Many of the neighbors in Noe Valley are not here and they are not here for a reason.

**(+) Mark McGee – Project Sponsor**

- He is not going to apologize for what he does.

- He is not a developer.

- He just wants to remodel a house.

- He hopes that the Commission sees that they are just trying to make a living.

**(+) Richie Hart – Residential Builders Association**

- He has known the Project Sponsor for many years.

- What they are asking is very reasonable.

- There is a housing crisis and this project will increase housing.

- He strongly recommends that the Commission approve this project.

**(+) Jim Keith – Residential Builders Association**

- If the DR requestor's logic prevails, they would not be able to live in the house that they live in.

- The idea that the Project Sponsor's project impacts light and air is not adequate.

- Many people support this project and he hopes that the Commission will support it as well.

**(+) Joe Cassidy**

- He has been building in Noe Valley for many years.

- There is always a fight.

- He knows the Project Sponsor and knows that they are building a great project.

**(+) Grace Shanahan**

- The McGees are long time builders in the Noe Valley area and they are very respectful of what they build.

- She encourages the Commission to support the project.

**(+) Dave O'Keiff**

- He has built small projects in the area.

- It seems that when someone remodels or builds a larger home it automatically becomes a monster home.

- Many neighbors are more than happy with this project because it will increase their property value.

- He hopes that this is not just a view issue.

**(+) Reed Carroll**

- The project is comparable to other projects.

- The project is consistent with adjacent properties.

- This project should be applauded and supported instead of being rejected.

**(+) Sean Keigran**

- This project is one aspect of an overall housing crisis.

- Communities should accept all types of houses.

- If the housing crisis needs to be solved, all housing projects should be accepted.

- He has not heard anything that is substantial at this hearing.

ACTION: Hearing Held. Public Comment Closed. Item Continued to September 9, 2004 in order for both parties to put on paper the various alternate revisions suggested.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

13. 2004.0462D (M. WOODS: (415) 558-6315)  
3016 PINE STREET - north side between Lyon Street and Presidio Avenue, Lot 14 in Assessor's Block 1031 - Request for Discretionary Review of Building Permit Application No. 2004.01.29.5170S proposing to add a two-story vertical addition and a two-story horizontal addition at the rear of the existing one-story over garage, single-

family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S):

(-) Mark Welch – Discretionary Review Requestor

- He knows that there is a logical solution to the issues that both parties have.
- He feels that the proposed project is out of character with the rest of the homes.
- He met with the project sponsor and suggested they eliminate the penthouse and have a flat roof therefore constructing a second floor.
- This project will be intrusive.

(+) Ray Stephen – Project Sponsor

- The DR requestor states that he was not able to meet with him. He has had many meetings with the DR requestor.
- The DR requestor states that the project is too large. He displayed an aerial photo proving that the subject property is smaller than the ones in the area.
- He has tried everything he can to try to not block the view from the DR requestor.
- He has support of all the neighbors.

ACTION: Did not take discretionary review and approved the project as proposed.

AYES: Antonini, Hughes, S. Lee, Olague

ABSENT: Bradford Bell and W. Lee

14. 2004.0404D (S. SNYDER: (415) 558-6543)
- 1609 REVERE AVENUE - south side between Third Street and Lane Street, Lot 1B in Assessor's Block 5342 – Request for Discretionary Review of Building Permit Application No. 2003.11.06.9583 proposing to add horizontal and vertical additions, and to change the occupancy from a Single-family to a Two-family dwelling. The property is within an RH-2 (House, Two-family) District, and a 40-X Height and Bulk District.
- Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Discretionary Review Application Withdrawn

- 15a. 2004.0676D (J. PURVIS: (415) 558-6354)
- 77 BLUXOME STREET - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone. Mandatory Discretionary Review under Resolution No. 16202 of Demolition Permit Application No. 2003.06.10.6727 to demolish a two-story commercial building, formerly used as PDR space, and its replacement by a seven-story, 108-unit SRO (Single Room Occupancy) residential building with a 16-space residential parking garage on the ground floor, subject to a rear yard modification.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.

SPEAKER(S):

(+) Alice Barkley – Project Sponsor

- She is available for questions.

(-) Jeremy Nelson – Transportation for a Livable City

- They strongly support this project because it follows the Planning Code with respect to residential car parking. The parking provides the potential for one-to-one residential

bicycle parking which will be secure in the garage as well as add 108 additional units of market rate affordable car free and car light housing.

- The only issue they have is the inclusion of the 10 non accessory commercial project spaces in the project. They oppose this because the project is located in an excellent local and regional transit services area.

- The width of the driveway should be narrowed as well.

(+) Charles Breidinger - Project Sponsor

- This building has been vacant since 1999.

- One of the employees tried to resurrect the business but was unsuccessful.

- There are a few letters from various organizations in support of the project.

(-) John (did not state last name)

- He urged the Commission to take Discretionary Review because the code is not clear and final.

- He would like to substantially reduce the project and not allow the open space Variance.

- Once this project is up, there will be a lot of transition. He feels that there will be larger traffic and parking issues.

- He feels that not all of the operational issues have been discussed.

- He hopes that the Commission will take Discretionary Review.

(-) Teresa Beltramo

- She lives on Townsend Street and is a business owner.

- She opposes the project for the same reasons as the previous speaker.

- This area has a lot of tourists and this type of use is not adequate for the area.

(-) Sue Hestor

- The PDR uses are slowly being pushed out.

- There is a precedent that is being set here.

- This project is starting out with substandard exposures.

(+) Joe O'Donaghue

- This project is in the most desirable part of the City.

- He welcomes social economic diversity in this neighborhood.

- There is a need for SROs.

- This is a good project. It recognizes the singles in the City.

(+) Richie Hart

- The project sponsor is a mechanical engineer so there is no concern for ventilation.

- Student housing is totally out of schedule. There is a need for student housing.

- These units are needed.

(+) Jim Keith

- This is desperately needed housing.

- Staff has presented well here.

- All types of housing is necessary.

- It is going to be a good addition to the neighborhood.

- The project is in a transit corridor.

(+) Erik Lew

- He is in support of the project.

- This project creates affordable housing.

(+) Redmond Lyons

- He is in support of the project.

- This is the first project that he has seen of this type.

- The developer should be supported and commended.

ACTION: Hearing Held. Public Comment Closed. Item continued to September 9, 2004 to allow all Commissioners to vote.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

**77 BLUXOME STREET** - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone. **Mandatory Discretionary Review** under Resolution No. 16202 of Building Permit Application No. 2003.06.10.6726 to construct a seven-story, 108-unit SRO residential building following the demolition of a two-story commercial building.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): See Speakers for Item 15a.

ACTION: Hearing Held. Public Comment Closed. Item Continued to September 9, 2004 to allow all Commissioners to vote.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

15c. 2003.0366V (J. PURVIS: (415) 558-6354)

**77 BLUXOME STREET** - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone. **Request for Rear Yard Modification** under Planning Code Section 134 (e) to construct an 65-foot-tall, seven-story SRO residential building, with open space provided within a 1,530 square-foot inner court, a 420 square-foot rear setback, and a 3,400 square foot roof deck in lieu of the 2,100 square foot (25 percent of lot area) standard rear yard.

SPEAKER(S): Same as those listed for item 15a.

ACTION: Acting Zoning Administrator closed the Public Hearing and believes there are findings to support the modifications.

16. 2003.1217D (J. IONIN: (415) 558-6309)

**342 21<sup>ST</sup> AVENUE** - east side between Geary and Clement Streets; Lot 033 in Assessor's Block 1452 - **Request for Discretionary Review** of Permit Application No. 2003.08.07.1409, proposing to add two units to the existing single-family dwelling by constructing new third and fourth floors, and a rear addition in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of June 17, 2004)

SPEAKER(S):

**(-) Steve Williams – Representing Discretionary Review Requestor**

- He agrees with the determination by staff.
- For six years, staff has been telling the developer to remove the 4<sup>th</sup> floor and match the light-wells, yet the developer has not agreed to it.
- This developer has caused the department to spend a lot of money.
- This project even got to the point of being cancelled.

- He would actually want to have the project cancelled in order to stop serial applications.

**(-) Jack Norton – Discretionary Review Requestor**

- He was born and raised in the neighborhood and his mother (91 years old) lives across the street.
- The proposed project does not meet the Residential Design Guidelines.
- According to the Architectural Heritage Foundation, his house was the first to be built on that block.
- The proposed project would be the largest on the block. It is too large and will overwhelm and denigrate their home.
- All buildings surrounding the project are only two stories.

- There are various neighborhood organizations who do not support the project.

**(-) Loren Lopin**

- He lives in the neighborhood.
- Six planners have recommended to revise the project and eliminate the fourth floor and provide good neighbor gestures.
- He asked the members of the audience who oppose this project to stand up (about 20 people stood up).

**(-) Dennis Estrada**

- He has lived in the Richmond District for 35 years.
- He is representing the 21<sup>st</sup> Avenue Coalition and they agree to the recommendations provided by staff.

**(-) Julian Hultgren**

- He lives on 21<sup>st</sup> Avenue and is against this project.
- He believes that eliminating the 4<sup>th</sup> floor would be much more in keeping with the neighborhood.
- There is an apartment building on the block and it is only three stories.
- Limiting the project to three stories would make it more compatible with the neighborhood.

**(-) Marjorie Norton**

- She is 91 years old. She has lived across the street from the proposed house since 1912.
- She opposes the four story building because it is big and out of character with the neighborhood.
- She urges the Commission to limit the project to three stories.

**(-) Edwina Cherrington**

- She has lived across the street from the proposed project since the 1960s.
- The subject project is an exact replica of her home.
- The four story modern building is too large.
- It is another "Richmond Special"
- She asks the "professional" developer to limit the project to three stories and retain the façade.

**(-) Hiroshi Fukuda – Richmond Community Association**

- He feels that "alterations" are sometimes deceptive. This has major alterations.
- Families are leaving San Francisco because there are not enough single-family homes.
- Thousands of homes have been taken off the market.
- Recent studies have indicated that San Francisco is behind in providing housing.
- This project is not going to help people who need moderate housing.

**(+) Jerod Eigerman – Reuben and Junius**

- The project sponsor is not a professional developer.
- The project is code compliant.
- He has no knowledge of any agreement with Jake McGoldrick.
- Discretionary Review is for extraordinary circumstances. Good neighbor gestures have been made in this case.
- What they are asking for is not outlandish.
- There is nothing in the guidelines that states that if there is one building on one side you cannot build higher.
- There is no peculiar hardship because they are on the south side.

**(+) Reza Khoshnevisan – Project Architect**

- Regarding the demolition, if a floor were to be added, the entire foundation would have to be replaced.
- There is no way that the fourth floor would be visible.
- He is available if the Commission has any questions.

ACTION: Took Discretionary Review and approve the project with the following conditions: The modifications included:

- Eliminate the fourth floor;

- Continue the side setback at the rear of the southern side down to the roof of the ground level to match the existing setback and allow for light and air to the DR Requestor's window;
- Provide an interior connection between the "Common Room" on the first floor (garage level) and the second floor; and
- Require an NSR be recorded to restrict the "Common Room" on the first floor from becoming an illegal unit.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

17. **10<sup>TH</sup> & MARKET (AKA 1401-1435 MARKET STREET)** - Informational presentation by the Project Sponsor. The proposed project includes (a) the creation of a 10<sup>th</sup> & Market Special Use District, (b) the construction of a 24-story office building for occupancy by the City and County of San Francisco, (c) the construction of a 21-story building containing up to 250 market-rate dwelling units with a garage for up to 230 parking spaces, and (d) the construction of a 15-story building containing up to 200 below-market-rate dwelling units for senior citizens. This project is currently scheduled for a Planning Commission hearing on Thursday, September 23, 2004.

**SPEAKER(S):**

**Jim Buckley – Citizen's Housing**

- They appreciate the opportunity to present this project to the Commission.
- With him are Don Falk and Valery O'Donnell from Tenderloin Development Corporation.
- They have acquired this site at a very reduced cost.
- The community really needs affordable housing in the area.
- There are three parts to the project: 1) senior housing; 2) work force housing; 3) office building.
- This is a very elaborate process. They have tried to connect various City agencies to move this project forward.

**Leo Chao – SOM Architects**

- He gave a general presentation of the architectural elements of the project.

**ACTION:** No Action Required by the Commission.

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment: 9:15 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, OCTOBER 7, 2004.

SPEAKERS: None  
ACTION: Approved  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
EXCUSED: Bradford Bell



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 2, 2004

DOCUMENTS DEPT.

OCT 13 2004

1:30 PM

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,  
William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:42 p.m.**

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning and Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Ben Fu; Geoffrey Nelson; Glenn Cabreros; Dan Sirois; Paul Lord; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2004.0338DDDV (D. DIBARTOLO: (415) 558-6291)  
755 22<sup>nd</sup> AVENUE - west side between Cabrillo and Fulton Streets: Lot 014 in Assessor's Block 1665 - Requests for Discretionary Review of Building Permit Application No. 2003.09.29.6087S, proposing to construct a three-story horizontal extension at the rear of the existing three-story single family dwelling unit and to add an additional dwelling unit at the ground floor. The rear addition would increase the structure's depth by approximately 6 feet into the rear yard in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Continued from Regular Meeting of July 22, 2004)  
(Proposed for Continuance to September 9, 2004)

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to September 9, 2004

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 1b. 2004.0338DDDV (D. DIBARTOLO: (415) 558-6291)  
755 22<sup>nd</sup> AVENUE - west side between Cabrillo and Fulton Streets: Lot 014 in Assessor's Block 1665 - The proposal is to construct a three-story horizontal extension at the rear of the existing three-story single family dwelling unit and to add an additional dwelling unit at the ground floor. A Variance is sought from the off-street parking requirements of Section 154, as the project would provide a 2-car tandem parking configuration rather than independently accessible parking as required by the Planning Code. The subject property is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of July 22, 2004)  
**(Proposed for Continuance to September 9, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to September 9, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2. 2003.0657C (G. CABREROS (415) 558-6169)  
1730 VAN NESS AVENUE – east side between Clay and Sacramento Streets, Lot 019 in Assessor's Block 0622 -- Request for Conditional Use authorization under Planning Code Sections 209.3, 209.8, 253 and 271 to allow the expansion of an institutional use (American Buddhist Cultural Temple), the creation of a commercial space above the ground floor, construction of a building exceeding 40 feet in height, and exceptions from the prescribed bulk limits in an RC-4 (Residential Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District. The project would result in a four-story building up to 80 feet in height containing a sanctuary, a bookstore, group housing for monks, a dining hall, dormitory rooms for students, conference rooms, offices and various other rooms associated with the institution.  
Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to September 9, 2004)**

SPEAKER(S):

*Re: Continuance*

**Sue Hestor**

- The subject site is a one-story building.
- She obtained the staff report about an hour ago. There were plans there that she had never seen before.
- There is no way for this case to be appropriate for hearing next week.
- She is asking for a minimum of six weeks.
- She has the right to review the project as it is currently proposed.

**Steve Williams**

- He agrees that this case should be continued further out beyond this year, or at least late November or early December.

ACTION: Without hearing, item continued to September 9, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

3. 1999.210C (J. PURVIS: 415-558-6354)  
3620 19th STREET - North side between Guerrero and Oakwood Streets; Lots 18, 68, 70 in Assessor's Block 3752 - Status report and Commission comment on a 39-unit residential planned unit development approved by the Planning Commission under Motion No. 16134 on April 5, 2001, and amended, on appeal, by the Board of Supervisors under Board Resolution No. M01-76 on July 2, 2001. The project site has been sold and the new owners have modified the design. It is within an RH-2

(Residential, House, Two-Family) and RH-3 (Residential, House, Three-Family) Use District and a 40-X Height and Bulk District.  
**(Proposed for Continuance to September 9, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to September 9, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

4. 2004.0635D (M. SNYDER: (415) 575-6891)  
3150 18th STREET (aka 470 TREAT AVENUE) - northwest corner of 18th Street and Treat Avenue, Lots 2 and 12 in Assessor's Block 3573 – **Mandatory Discretionary Review** under the Eastern Neighborhoods Interim Policies of Building Permit Application No. 2004.05.21.4487 and Demolition Permit Nos. 2004.05.21.4485 and 2004.05.21.4484 proposing to demolish existing light-industrial structures and to construct a new structure that would contain approximately 260 units of rental workshops for arts activities, light manufacturing, repair and small business service uses, approximately 54 off-street parking spaces, a care-taker's unit, and a small café, in an M-1 District, a 50-X Height and Bulk District, and within a Core PDR Zone as designated in the Eastern Neighborhood Interim Policies.

Preliminary Recommendation: Take Discretionary Review and approve the project with conditions.

**(Proposed for Continuance to September 23, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to September 23, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

5. (M. FOSTER (415) 558 - 6362)  
OVERVIEW OF THE PROPOSED MID-MARKET SPECIAL USE DISTRICT - **Informational presentation** on the status of the draft Mid-Market Development Plan and Special Use District (MM SUD). Staff will describe the process, goals and key proposals, and outline the schedule for Planning and Redevelopment Commission hearings for further review and adoption. No Action

**(Proposed for Continuance to October 14, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 14, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

6. 2004.0267C (G. NELSON (415) 558-6257)  
3231-3237 PIERCE STREET - west side between Chestnut and Lombard Streets; Lots 005 and 006 in Assessor's Block 0489. **Request for Conditional Use authorization** pursuant to Sections 145.2, 711.24, and 303 of the Planning Code to allow an outdoor activity area at the rear of two adjoining lots as part of a proposal to create a retail nursery (considered "Other Retail Sales and Services" per Sec. 790.102 of the Code) on the property. The proposal is also to demolish an existing single-story commercial structure at the front of Lot 005 and a garage structure at the rear of lot 005 and construct a commercial structure on lot 005. The outdoor nursery area would occupy the rear yards of both Lot 005 and 006. If approved, the proposed business (Sloat Garden Center) would have 11 retail stores (in the greater Bay area) and would then be considered a formula retail business per sections 703.3 and 711.40 of the Code.

Preliminary Recommendation: Pending

**(Proposed for Continuance to October 7, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

7. 2004.0151D (M. WOODS: (415) 558-6315)  
2250 JACKSON STREET - north side between Buchanan and Webster Streets; Lot 008 in Assessor's Block 0589 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.07.07.8857S, proposing to merge five dwellings units to a single-family residence in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
(Continued from Regular Meeting of June 10, 2004)  
**(Proposed for Continuance to October 14, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 14, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

8. 2004.0393C (G. CABREROS (415) 558-6169)  
2443-2445 CLEMENT STREET - south side between 25th and 26th Avenues; Lots 035 and 036 in Assessor's Block 1457. Request for Conditional Use Authorization under Planning Code Section 717.11 to allow development of a lot greater than 5,000 square feet in area in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District. The project proposes demolition of three non-residential structures and new construction of a 40-foot tall, four-story, mixed-used building with one ground-floor commercial space and nine residential units.  
Preliminary Recommendation: Approval with Conditions  
**(Proposed for Continuance to November 4, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Consideration of Adoption of Draft Minutes of July 1, 15 and 22, 2004.

Minutes of July 1, 2004:

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

Minutes of July 15:

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell

Minutes of July 22:

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell and Hughes

10. Commission Comments/Questions

**Commissioner Antonini:**

*Re: Reappointment*

- He thanked Mayor Gavin Newsom for reappointing him to the Commission and hopes that the Board of Supervisors will approve his reappointment.

*Re: Memorandum from City Attorney Dennis Herrera*

- This memorandum deals with the applicability or adoption of any interim controls for Eastern Neighborhoods. There was a question of whether or not these controls could be imposed under two bases: there is a local code that limits the controls to two years and there is a state government code that does not allow controls that would prohibit certain types of housing in an area. It was ruled that the local code does not apply because the controls would be of a different nature. The state government was a bit more complicated but it basically stated that the controls were not interpreted as being a prohibition and therefore did not apply. The question remains, are they brought up to a defacto prohibition? It would be interesting to see what the state's opinion is on this issue.

*Re: Planning Department*

- What steps are necessary, if the desire is there, to make certain Division Heads of the Department at-will appointments of the Director? For example: Long Range Planning, Neighborhood Planning, Administration, Environmental Review, etc.

**Commissioner Bill Lee:**

*Re: Dates projects will be put on the Planning Commission agenda*

- He had previously requested the dates for the major long term environmental impact reports on Octavia Boulevard, Mid-Market, Hunter's Point, etc.

**Commissioner Olague**

*Re: SRO Policy*

- She previously requested a presentation on SRO policy.

**Director Gerald Green responded:**

- This will be scheduled under director's report on September 23, 2004.

**Commissioner Bradford Bell:**

- She is glad to be back.

- She thanked Commissioner Sue Lee for running the meetings during her absence.

**Commission Secretary:**

*Re: Calendar for the Holiday Season*

- She asked commissioners to indicate on the calendar she passed up to them their projected vacation days for the rest of the year. This will allow her to address quorum problems if necessary.

**C. DIRECTOR'S REPORT**

11. Director's Announcements

*Re: Appointment of New Commissioner*

- On September 22, the Rules Committee will take up the matter of the appointments.

*Re: Hearing of September 23, 2004*

- Schedule a briefing for the SRO Policy under Director's Report.

*Re: Environmental Review for Home Depot*

- The Department received a first draft of this document and the Department did not believe that there was adequate coverage. The document was referred back to the Home Depot consultant to answer questions and issues. Currently, this document has not been returned.
- When this document is returned, a hearing will be scheduled.
- He does not believe there will be any hearings in September or October regarding this matter.

**Request from Commissioner Lee:**

- A timeline can be developed but this timeline will only be an estimate.
- At some point, he will present a timeline on more than what is happening with the Environmental Review.

12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals.  
**BOS – None**

**BOA –***Re: 2349 Franklin Street*

- Julian Banales represented the Department on this matter.
- This case was a dwelling unit merger from four to three dwelling units.
- The matter was continued to September 15, in order to determine if there was consistency with the determination from the Commission.

13. 2003.1254D (E.TOPE: 415-558-6316)  
170 ST GERMAIN AVENUE - North side at Glenbrook Avenue; Lot 009 in Assessor's Block 2708 — Status report and Commission comment on allegations that the Planning Commission had based approval of Building Permit Application No. 2003.07.31.0905, proposing to construct a horizontal and vertical addition to an existing single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwellings) District and a 40-x Height and Bulk District, on false information. The Commission requested a tentative re-hearing of this case on October 7, 2004.

**Walter Kaplan – Representing Discretionary Review Requestor**

- The Discretionary Review requestor lives adjacent to the property.
- A permit was taken out to do a small job and it became a very large job.
- When they discovered this, an inspector was called.
- A second over-the-counter permit was obtained.
- The first day of the hearing, Commissioner William Lee requested that both Discretionary Review requestor and Project Sponsor determine the details of the demolition.
- The Commission was lead to believe that everything was fine, but everything is not fine because there is work being done beyond the scope of permits.

**Wayne Campbell – Representing Project Sponsor**

- His clients were dealing with several contractors at a time. They were under the impression that there was no need to obtain permits for small jobs inside the house.
- Today he is talking mostly about the height of the building.
- There are issues that will be solved with their resubmission of the plans.
- There are some permits that are not even relevant to permits that the Commission decided upon.

**Mila Molosof – Project Sponsor**

- Her property is now gated so she would like to know how Mr. Kaplan obtained pictures and took measurements of her house.

**Eve Hudson**

- She is alarmed about the precedent that Mr. Kaplan is trying to set.

- Her client is now trying to solve the issues with the inspector.
- She requests that the Commission separate the unrelated issues before they go before the Board of Appeals.

MOITON: Set a Hearing Date for October 7, 2004 to consider whether or not the Commission will rescind their action.  
AYES: Hughes, W. Lee, Olague  
NAYES: Antonini, Bradford Bell, S. Lee  
RESULT: Failed to receive a majority vote. The Planning Commission will not consider rescinding their vote on October 7, 2004 or any subsequent date.

#### D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**Sue Hestor**

*Re: 266-270 14<sup>th</sup> Street*

- She has a policy issue with this project.
- There is a very large concentration of automobile uses [in the area].
- The issues of this project could send out a wrong message.

#### E. CONSIDERATION OF FINDINGS AND FINAL ACTIONS – Public Hearing Closed

14. 2003.1226DV (K. MCGEE: (415) 558-6367)  
266-270 14<sup>th</sup> STREET - north side of 14th Street, between Mission and South Van Ness Streets, Lot 20 in Assessor's Block 3531- **Request for Discretionary Review** for Building Permit Application 2003.11.26.1242 proposing to change the use of the building from a live/work use to an assembly and entertainment use per Planning Code Section 221. The property is located in a C-M (Heavy Commercial) Zoning District, in a 40-X Height and Bulk District, and in the Housing/Mixed Use area of the Eastern Neighborhoods.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from July 15, 2004 Hearing)

**NOTE:** On July 15, 2004, following public testimony, the Commission closed the public hearing and continued this matter to September 2, 2004 by a vote of +4-0 (Commissioner Bradford Bell was absent and Commissioner Olague was excused) in order to review the new Conditions of Approval. Public Comment is open only issues related to the Conditions of Approval.

SPEAKER(S): None

ACTION: Took Discretionary Review and approved the project with revised Conditions of Approval.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

EXCUSED: Olague

#### F. REGULAR CALENDAR

15a. 2003.0404D (B. FU: (415) 558-6613)  
971 CAPP STREET – east side between 24<sup>th</sup> and 25<sup>th</sup> Streets; Lot 017 in Assessor's Block 6518 - **Mandatory Discretionary Review**, under the Planning Commission's policy

requiring review of housing demolition, of Demolition Permit Application No. 2004.07.22.9493 to demolish an existing single-family dwelling (the project also proposes the construction of a new four-family dwelling) in an RM-2 (Residential, Mixed, Moderate Density) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Do Not Take Discretionary Review and approve demolition.

SPEAKER(S):

(+) Cesar Estrella – Project Architect

- The proposed project is consistent with the demolition requirements.
- Safety and economic concerns are the reasons for the demolition. The home is unsafe for the habitants.
- The new project will provide more units for rental.
- A pre-application hearing was held with the Department of Building Inspection.
- The property is of no historical resource.
- He is requesting that the Commission approve the demolition.

(+) Ben Nema

- He is requesting demolition and reconstruction of this building not for financial reasons but because of aesthetics, weak structure, etc.
- He is concerned for his grandmother because she lives there. They would like to improve the property so she can have a decent home.
- There are drug dealers in the area and he is concerned for the safety of his grandmother.

(-) Sergio Antorno

- He just heard of this project a few hours ago.
- He owns the building next door.
- He would like to ask for a postponement because he was out of town and was not aware of the project.
- His building will be negatively affected because he has various windows that will be blocked.
- He is a developer and is not against any project. He would just like to have more time to really analyze the plans.

(-) Robert Bender

- He is against the demolition of rent controlled housing and replacing it with market rate housing.
- He has nothing against the owners.

ACTION: Did not take Discretionary Review and approved the demolition

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

15b. 2004.0761D (B. FU: (415) 558-6613)  
971 CAPP STREET - east side between 24<sup>th</sup> and 25<sup>th</sup> Streets; Lot 017 in Assessor's Block 6518 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction as a result of housing demolition, of Building Permit Application No. 2004.07.22.9494 for the new construction of a four-family dwelling in an RM-2 (Residential, Mixed, Moderate Density) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Do Not Take Discretionary Review and approve the project as submitted.

SPEAKER(S): See Speakers for Item 15a.

ACTION: Took Discretionary Review and approved the project with the following conditions: 1) Façade of the building be done out of stucco or wood type siding, but not both; 2) the bay windows on each floor connect, 3)

windows be typical 1-over-1 pane and be set back a minimum of three inches, 4) treatment of ground floor be redesigned; and 5) project sponsor should continue to work with staff on the design.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

16. 2004.0367D (T. WANG: (415) 558-6335)  
40 DAY STREET – north side between Dolores Street and San Jose Avenue; Lot 009 in Assessor's Block 6634 – **Request of Discretionary Review** of Building Permit Application No. 2004.01.21.4492, proposing to fill in a rear building notch on either side of the first and second floors and construct a one-story rear addition and a third story vertical addition to an existing one-story over garage, single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.

SPEAKER(S): None

ACTION: Discretionary Review request withdrawn.

- 17a. 2004.0097D (G. NELSON (415) 558-6257)  
2070 GOLDEN GATE AVENUE – north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 – **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.09.29.6052, proposing to demolish a two-story two-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The two-family dwelling is located at the front of the lot. There are related proposals to demolish a single-family dwelling at the rear of the lot and to construct a four-story, three-family dwelling with three off-street parking spaces.  
Preliminary Recommendation: Do Not take Discretionary Review and approve the demolition.

SPEAKER(S):

(+) C.J. Higley – Representing Project Sponsor

- The project is comparable to the other buildings in height and bulk.
- The project meets the stringent requirements for demolitions.
- The required setback is the only thing they were not able to agree with staff on.
- They have addressed the issue of visual transition.
- The project will be a very attractive addition to the neighborhood.

(-) Robert Bender

- They are opposed to the demolition of buildings that do not need to be demolished.
- This is a social injustice.
- He has lived his whole life to be a working Christian.

(-) Doug Waggener

- He lives on Golden Gate Avenue.
- His house will be the most affected by this demolition.
- If the demolition were to be approved, he cannot image that there would not be severe damage to his property.
- The project involves digging down to the garage level and this concerns him.

(-) Kathleen Ewing

- She is the only neighbor who has contact with the project sponsor and it was not a good meeting.
- She submitted a letter related to suggested changes and she has not heard anything.
- Everything seems to be pro forma.

(-) Michael Helquist

- He lives on Golden Gate Avenue--which is three buildings from the property in question.

- Their association is not opposed to development.
- The project sponsor has not been cooperative in communicating with the neighbors.
- They request a continuance so that there can be more meetings and planning.
- The Planning Department and Conditions give due considerations to concerns.

**(-) Megan Allison Wade**

- She is a staff member of Supervisor Gonzalez.
- She is not speaking for the office of Supervisor Gonzalez, but as a neighbor.
- There has been minimal communication and notification.
- This is a neighborhood of very organized and aware neighbors who notice when they are not noticed.
- There are many forces in the neighborhood who are paying attention to this.

**(-) Tys Spiffen – North of Panhandle Neighborhood Association**

- They are very easy to find and very easy to work with.
- He suggests that this item be continued so that they could have more time to look at the plans.

**ACTION:** Hearing Held. Item continued to allow the Project Sponsor to conduct community meetings. Item continued to October 7, 2004. Public hearing will remain open.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 17b. 2004.0098D (G. NELSON: (415) 558-6257)  
2070 GOLDEN GATE AVENUE – north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 – **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2004.02.23.6957, proposing to demolish a one-story single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The single-family dwelling is located at the rear of the lot. There are related proposals to demolish a two-family dwelling at the front of the lot and to construct a four-story, three family dwelling with three off-street parking spaces.  
Preliminary Recommendation: Do Not take Discretionary Review and approve the demolition.

**SPEAKERS:** Same as those listed for item 17a.

**ACTION:** Hearing Held. Item continued to allow the Project Sponsor to conduct community meetings. Item continued to October 7, 2004. Public hearing will remain open.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 17c. 2004.0099D (G. NELSON (415) 558-6257)  
2070 GOLDEN GATE AVENUE – north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 – **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.09.29.6049, proposing to construct a four-story, three-family residential structure with three off-street parking spaces in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. There are related proposals to demolish a two-family dwelling at the front of the lot and a single-family dwelling at the rear of the lot.  
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.

**SPEAKERS:** Same as those listed for item 17a.

- ACTION: Hearing Held. Item continued to allow the Project Sponsor to conduct community meetings. Item continued to October 7, 2004. Public hearing will remain open.
- AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
18. 2004.0544D (G. NELSON (415) 558-6257)  
850 EL CAMINO DEL MAR – north side between 32nd Avenue and Lake Street; lot 020 in Assessor's Block 1312 – **Request for Discretionary Review** of Building Permit Application No. 2004.01.21.4516, proposing to alter a single-family dwelling by creating a new hipped roof, enlarging a rooftop stair penthouse, expanding the second floor by 4 feet at both the front and rear, enclosing an exterior corridor and extending a rear terrace at the first floor, in an RH-1(D) (Residential, Single-Family, Detached) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not take Discretionary Review and approve the project.
- SPEAKER(S): None  
ACTION: Discretionary Review request withdrawn.
19. 2004.0365DD (G. CABREROS: (415) 558-6169)  
850 45<sup>TH</sup> AVENUE - east side between Cabrillo and Fulton Streets; Lot 024 in Assessor's Block 1687 - **Requests for Discretionary Review** of Building Permit Application No. 2003.08.22.2792 proposing to add a second dwelling unit, add two floors and a horizontal addition to the rear of the existing single-family residence resulting in a four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve with modifications.  
(Continued from Regular Meeting of July 22, 2004)
- SPEAKER(S):  
(-) Joyce Hong – Discretionary Review Requestor  
- The problem she has with this project is the design because it is quite large.  
- If this project is approved, it will cause a "domino affect" in the neighborhood.  
- This four-story building will destroy the character of the neighborhood.  
- There are 44 homes on the block and 138 cars. This makes a shortage of 11 spaces already on the block. This would increase traffic and parking problems.  
- The project should remain two or three stories.  
(-) Suny San Pedro  
- He lives on 44<sup>th</sup> Avenue.  
- He is concerned about the height of the building.  
- He likes to see the sun and the trees. This project would be detrimental because it will diminish the light and cause mold on his house.  
- He would be fine with a building of only three levels.  
- The fourth floor is not consistent with the Residential Design Guidelines.  
(-) Joanna Jaskey  
- The lots are about eight to ten feet lower because of the ground.  
- Any building with three living levels above a garage level would actually be five stories high.  
(-) Ron Miguel  
- He hopes that the Commission will accept the staff recommendation and remove the top floor.  
(+) C.J. Higley – Representing Project Sponsor  
- The project will add a horizontal and vertical addition.  
- He respectfully disagrees with the recommendation of staff.

- The design elements enhance the neighborhood character and include a fourth story.
- The proposed project makes use of all the design techniques of the Residential Design Guidelines.
- All these techniques reduce the bulk of the building.
- Most of the buildings on the block are three story buildings and are much bulkier than the subject home.

ACTION: Took Discretionary Review and approved the project with the following modification: Remove 4<sup>th</sup> Floor.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

20. 2004.0540D (D. SIROIS: (415) 558-6313)  
1050 DOLORES STREET – west side between 23rd & 24th Streets, Lot 037, in Assessor's Block 3649 - **Mandatory Discretionary Review**, under the Planning Commission's Policy on Dwelling Unit Mergers, of Building Permit Application No. 2004.04.13.1112, proposing to convert a five-family dwelling to a four-family dwelling. The subject property is located in an RM-1 (Residential, Mixed, Low density) District in a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve dwelling unit merger

SPEAKER(S):

(+) Jeremy Paul – Representing Project Sponsor

- It would be very expensive to remodel this house.

- People who use the lower level rooms would have a better quality of life.

ACTION: Did not take Discretionary Review and approved the merger.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

## 4:00 p.m.

*Item 21 was taken out of order and followed item 18.*

21. (G. GREEN: (415) 558-6411)  
REVIEW AND COMMENT ON INTERIM POLICIES AND CONTROLS FOR THE EASTERN NEIGHBORHOODS: (including eastern SOMA, Showplace Square, and the Mission). **Review and comment** on adopted policies and initiated draft interim controls, which were established by the Planning Commission on February 12, 2004 to set forth areas for Housing and Mixed Uses, Core PDR (Production, Distribution, and Repair), and Housing/PDR in specified Eastern Neighborhoods Community Plan Areas. This hearing will summarize prior Commission actions and provide an opportunity for the Commission to comment on Staff recommendations for potential policy amendments and modifications to initiated interim controls.

**NOTE:** On February 12, 2004, the Commission adopted Resolution 16726 initiating draft controls and Resolution 16727 adopting policies for portions of the Eastern Neighborhoods. On May 6, 2004, the Commission adopted Resolution 16783, which amended the boundaries of the SOMA as addressed under Resolution 16727. On March 25, 2004, Commission President Bradford Bell re-opened the consideration of initiation of interim controls for the Mission, as addressed under Resolution 16726. On June 3, 2004, without a hearing, the Commission continued the matter to July 1, 2004. On July 1, 2004, the Commission held a public hearing and continued the matter to September 2, 2004.

**SPEAKER(S):****Charlie Sciamas – MAC**

- It has been about four years that this issue has been discussed.
- The community planning process began because the Mission Anti-Displacement Coalition fought to initiate this.
- Until the community planning process is completed, there is a need to establish controls in the Mission District.
- The documents, which were issued recently, do not contain the issues that the community has raised.

**Fernando Marti**

- They support the interim controls in their prior version without the amendments.
- He displayed a map of a previous industrial report in 1999. What is outlined is the NEMIZ.

**My Do - MAC**

- She supports the interim controls, which were submitted in July.
- These new controls lack community input.
- The new controls are flawed in many respects.
- Building heights are allowed that can block light and create wind tunnels.
- Without real interim controls in place, PDR would be lost on a case-by-case basis.
- She urges the Commission to adopt the interim controls that were discussed in July.

**Miriam Zamora**

- She works in the community fighting for the rights of the community.
- Historically there have been controls protecting the Mission District.
- How is it possible that a team of four people can completely make changes without the input of the community as well as the staff which has been working on this for the past six years.
- Every job has a process and it cannot be done like pulling something from you sleeve.

**Richard Marquez**

- He welcomed back Commissioner Bradford Bell.
- They are tired of being tired. They are tired of delays. They demand interim controls.
- Certain moves coming from inside the Planning Department have stalled the progress of the Mission.
- It is time to go beyond land use controls.

**Oscar Grande – MAC/PODER**

- They don't want the interim rules that the Planning Department has presented.
- These rules do not promote family housing.
- They want a meaningful discussion of the interim controls which were submitted in July.
- There is staff that is not here today that have been sidelined.

**Maria Lavoy**

- She has been a resident of the Mission since she was three months old.
- She is concerned that a beautiful community is being dilapidated because of policies.
- If you are going to come into the Mission and are going to build a project, the community needs to be respected.
- She knows what it is to struggle.
- She is asking the City to take responsibility for these interim controls.

**Carmen Ramirez**

- She is representing all the women and the residents of the Mission.
- She asks the Commission to be human and try to understand the people that live in the community.
- It is important to receive help from the Commission.
- It is important to have these changes.
- There are many changes going on in the community but none of these are positive.

**Francisco DeCosta**

- He is going to speak for the people of the area.
- The Commission can see the concrete jungle.
- If the Planning Department does not have a dialogue with the community, then something is wrong.
- Quality of life issues are not being dealt with.
- The Commission should pay attention of the voices of the community.

**Robert Pender**

- He has lived in his home since 1969.
- He is sure that the citizens here have lived in their home just as long or maybe even longer.
- People are being forced out of the City.
- His children have had to move away from San Francisco because they cannot afford to purchase property.
- The Commission needs to take care of the new generations.

**Kurtis Eisenberger – Mission Coalition for Economic Justice and Jobs**

- He thanked the Commission for allowing them to listen to their concerns.
- In an area that has been shown industrial, there are 900 rental units.
- Controls are defective.

**Milton Gaines**

- He displayed a parcel map showing that 30 percent is now public benefit space in a 42 block area.
- Is this too low? Is this too high? What should the set limit be for the NEMIZ?
- The definition of PDR is faulty.

**James Collins – Six Street Agenda**

- Without interim controls there are no set limits on what a developer can do in their neighborhoods.
- The blue prints that Commissioners have before them is not the same as the one that they presented in July.
- Reconsider the correct blueprint.

**Susan Marsh**

- She lives at 17<sup>th</sup> and Mission Street.
- Not everything is negative in her neighborhood.
- She finds her neighborhood enjoyable. But there are various problems--like the lack of affordable housing.

**Bill Murphy**

- He is a third generation San Franciscan.
- He urged the Commission to pass interim controls.

**Ellen Pound**

- She is a housekeeper residing at the Jerry Hotel in the Mission.
- She urged the Commission not to change the rules that they have agreed to.
- Housing development should be protected.

**Rene Salcedo**

- She has lived in the Mission for many years.
- She works for La Raza Centro Legal.
- There are small business owners who cannot keep workers

**Bob Meyers**

- More people would probably be here if there had been adequate notice.

**Phillip Lesser**

- About three years ago he was against interim controls.
- He has so much faith in the Commission [and believes] that they will be looking at each project one by one.

**Fred Snyder**

- He pleads with the Commission to bring the community together.

- The process has been flawed since the beginning because there has not been community input.
- Part of the problem has been the contentiousness between the groups.
- It is important to bring this back and have some meaningful discussions.

**Michael Burke**

- He owns property at 16<sup>th</sup> and Bryant.
- In February 2004, the Commission determined that policies rather than controls would be best for the NEMIZ.
- They have cited state law which supports their contention that you cannot subject the NEMIZ to interim controls because there has not been any change in circumstances that supported previous interim controls.
- The Commission should not "tie their hands" with interim controls in the NEMIZ. With policies the Commission will have full discretion under Discretionary Review.

**Kepa Askenazy**

- She requested that the Potrero Hill area be removed from this discussion because they were not properly noticed.
- She suggested that the Commission make a motion to speak specifically on the area of the Potrero/Showplace Square area.
- They have lost a lot of businesses recently.
- She requested from the Commission direct Director Green to return the Citywide staff back to working on the Eastern Neighborhoods.

**Babette Drefky**

- Potrero Hill should be removed from this discussion.
- She invited the Commission to Potrero Hill.
- It is important for staff to come to the community and chat.

**Toby Levine**

- She has been a resident of the Mission District since 1967.
- In 1994, there was a rezoning plan that was developed for the NEMIZ. It had community and commission support. The problem with this plan is that there was no money for the EIR. So the whole plan was stopped or forgotten about.
- That plan was very different than the one being proposed. It promoted job development and job preservation.
- She believes that this plan is moving in the wrong direction.
- The maps are not right either and they need to be fixed.

**Jim Meko**

- Alleys are where residential population is found.
- In the existing zoning there is little protection for the alleys.
- There is now panic in the Mission with developers trying to take advantage of this interim.
- All the alleys are very important to SOMA.

**Toby Levy - Architect**

- She has been an architect for 20 years.
- She believes in the diversity of South of Market, it's development pattern and its uses.
- The 40 foot height limit exclusion on the alleys should not be eliminated.
- As an architect, it is really hard to face your client down when there is a real ambiguity.
- She requested that we keep the 40 foot height limit on the 40 foot wide streets.

**Debra Stein - GCS Strategies**

- This is an opportunity to consider the more generalized concern about how long range planning products are used.
- There is a site that the Eastern Neighborhoods has been excluding.
- The Eastern Neighborhoods is not the only long range planning that has taken too long.

**Lou Blazej**

- Right now there is environmental review limbo because the loss of PDR needs to be analyzed while people are still trying to define it. This is not fair.
- Everyone has been waiting for an initial study to be published for over 14 months. This is hurting projects and it's hurting the community.
- He welcomes Gerald Green back and offers his full support.

**Theodore Brown**

- He represents a development on Rincon Hill that has been in the process for over three years.
- The EIR has been held up because of long range planning.
- He thought housing was important to this City.
- Long range planning should not kill development and housing in the City.

**Fiona O'Connor**

- She would rather have plans than planning.
- She has had a small business for about 30 years and has been frozen in time because of interim controls.
- Small businesses need to grow instead of coming to these meetings all the time.

**Lois Scott**

- She is here for the Planner Chapter of Professional and Technical Engineers.
- It is an ethical tenant that Professional planners should respect the professional views of colleagues.
- There was a prior agreement with the union and the Planning Department that when there are major reassessments of work it should be done with advanced consultation and discussion with the planners involved.
- This process would have been improved if there had been open and clear communication about the intent of the Director.
- The Citywide team's professional views should have been respected.
- There is a divided department because of the handling of this situation.

**Tomas Lee – Tom Amiano's Office**

- It has been enlightening to listen to 2 ½ hours of testimonies.
- They are concerned also that they did not get advanced notice of this situation.
- Neighborhoods need economic development and to create jobs.
- Businesses should come in with the community's interest at heart.

**Sue Hester**

- The staff report gives very truncated information of the situation.
- Many developers do not want controls.

**Joe Boss**

- He is glad that Mr. Green is back from his fellowship and is taking care of organizing everything in his office.
- It is very important to figure out how to fix the machine to see what it can produce.

**Alice Barkley**

- The planning for all of the areas started in NEMIZ around 1984.
- It took until last Friday to get the motion out. That is why staff was not able to get anything.
- Many PDR businesses are moving out.
- She suggests that you throw away everything and do some real planning.

**ACTION:** Hearing held. Public comment closed. Item continued to October 28, 2004 for policies or controls. If policies, define boundaries and define the NEMIZ. If controls, initiate the process.

**4840 MISSION STREET** - north side between Onondaga Avenue and Seneca Avenue, (AKA Valente, Marini & Co. Funeral Home) Lots, 019, 025 & 026 in Assessor's Block 6956 - **Request for Conditional Use authorization** under Planning Code Sections 712.64 (mortuary use) and 712.21 (use size over 5,999 square feet) to construct a new two-story, 13,740 square-foot mortuary facility that would replace the existing 26,432 square-foot Valente, Marini & Co. Funeral Home. The subject property is located in NC-3 (Moderate-Scale Neighborhood Commercial) and RH-1 (Residential House, Single Family) Districts and in a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Dan Sullivan

- The funeral directors have been in business for about 80 years.
- The location of the funeral home is in a rich and vibrant community.
- The project is supported by the residents as well.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16854

23. 2004.0658T (P. LORD: (415) 558-6311)  
**PARK NEXUS STUDY – Consideration of an Ordinance amending San Francisco Planning Code Section 139** to provide that \$100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fees should be imposed on uses other than office and on geographical areas of the City other than C-3 uses districts and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval

SPEAKER(S): None

ACTION: Approved with the following Amendments:

- 1) Page 2 of the draft Resolution, 2<sup>nd</sup> paragraph, item a:
  - a) Assure that the contract for conducting the specified Nexus Study requires a maximum 90-day review and comment period by the Planning Department prior to the release of the final report.
- 2) Add a new item b which reads:
  - b) Assure that the Planning Department is involved in the scope of the study.
- 3) original item b becomes item c.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

RESOLUTION: 16855

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be

exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Charles Marsteller:**

*Re: 727 Van Ness Avenue*

- He requested that the Commission scheduled this project because there are significant technical policies for the Department of City Planning.
- There are concerns about the policy implications with this project.
- They have submitted a DR application which was initially accepted and then rejected.

**Director Green Responded:**

- This issue will be placed under Director's Report next week, September 9, 2004, so that the Commission can respond and/or ask questions.

Adjournment: 8:30 p.m.

**PLEASE NOTE:**

The

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, OCTOBER 7, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.

Thursday, September 9, 2004

OCT 13 2004

**1:30 PM**

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,  
William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:42 p.m.

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning and Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Rick Crawford; Dan DiBartolo; Michael Smith; Michael Li; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2001.0249CV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - Request for a Conditional Use authorization for a building exceeding 35 feet in height in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site. No parking would be provided. Both a parking and a rear yard/site coverage variance would be required and will be considered by the Zoning Administrator at the same hearing as the Conditional Use authorization. Required open space would be provided on a rooftop terrace.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 22, 2004)

(Proposed for Continuance to October 7, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

1b. 2001.0249CV

(K. AMDUR: 558-6351)

605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - Request for a Variance for rear yard/site coverage and parking for a building in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site, and no parking would be provided. Required open space would be provided on a rooftop terrace. Conditional use authorization is also required for a building in the CCB to exceed 35 feet in height.

(Continued from Regular Meeting of July 22, 2004)

**Proposed for Continuance to October 7, 2004**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 2. Commission Comments/Questions

#### **Commissioner W. Lee:**

*Re: Planning Director Search Status*

- He is receiving a lot of calls related to the status for the search of a Planning Director. What is the status?

#### **Commissioner Bradford Bell:**

*Re: Planning Director Search Status*

- Since she returned from her trip she has not had time to speak to the Chair of the search committee. As soon as that is done, she will communicate with the Commissioners.

#### **Commissioner Olague:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- She has asked this before and wants to know how this item can be scheduled for discussion?

#### **Commissioner Hughes:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- He is not ready to give his comment about this today but with a bit of research the issue can be discussed in order to know how this Commission's practice is related to the other Commissions and Board of Supervisors.

#### **Commissioner Antonini:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- Does the public comment period last 15 minutes?

**Commission Secretary Responded:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- When she started with the Commission there was no time limit on general public comment.
- At one time, it seemed that too much time was devoted to this and it caused an impact on items that were scheduled behind it. They tried setting a 15 minute time limit, but it was not usually followed. Ultimately, following a public hearing, the Commission amended their Rules and Regulations to change the Order of Business for their public meetings, and placed Public Comment at the end of the calendar.

**Commissioner Sue Lee:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- She is open to discuss this issue.
- She is interested in seeing the research.

**Commissioner William Lee:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- This should be scheduled.

**Commissioner Bradford Bell:**

*Re: Bringing Back Public Comment to the Beginning of the Calendar*

- She would like to have this issue scheduled when there is a full Commission.

**Director Green responded:**

- He will work with Ms. Avery and provide this information to the Commission ahead of time.

**C. DIRECTOR'S REPORT****3. Director's Announcements**

*Re: Briefing on the SRO Policies*

- This will be scheduled on September 23, 2004 under Director's Report.

*Re: Listing of all Major Environmental Review on Major City Work*

- He placed in the Commissioner's correspondence folder a draft with this information.
- The Commission should look this over and make comments at the next hearing, which will be September 23, 2004.

**4. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS - None****BOA - None****5. (L. BADINER: (415) 558-6350)**  
Status Report on 727 Van Ness Avenue as a response to comments raised during Public Comment at the Planning Commission hearing on September 2, 2004.**SPEAKER(S):****John Sanger – Representing Van Ness Towers**

- He is aware of the request for Discretionary Review and request for determination.
- There are some things that he disagrees with Mr. Badiner on.
- Both applications are before the Commission.
- The plans attached to the permit application were not sufficient to DBI.
- There was a necessity for a Variance on rear yard and parking requirements.

- There was an appeal of the Variance decision, which added 5 months to the timeline after the Conditional Use was approved.
- He will be submitting a brief on this.

**Charles Marsteller**

- He is concerned about the policy aspects of this decision.
- It is important for the Planning Commission to review this project.

**Sue Hestor**

- The Commission is being made a "laughing stock" if they allow staff to change the policy of a project.
- The Commission should bring this back and review the changes.

ACTION: No Action Required.

6. 1999.210C (J. PURVIS: 415-558-6354)  
3620 19th STREET - north side between Guerrero and Oakwood Streets; Lots 18, 68, 70 in Assessor's Block 3752 - **Status report** and Commission comment on a 39-unit residential planned unit development approved by the Planning Commission under Motion No. 16134 on April 5, 2001, and amended, on appeal, by the Board of Supervisors under Board Resolution No. M01-76 on July 2, 2001. The project site has been sold and the new owners have modified the design. It is within an RH-2 (Residential, House, Two-Family) and RH-3 (Residential, House, Three-Family) Use District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of September 2, 2004)

**SPEAKER(S):****Andrew Junius**

- There was a very significant community meeting.
- They are very confident that many if not all of the concerns have been addressed.
- Removal of underground parking, reduction of units, significant addition to the landscaping.
- There are a lot of other minor changes that were required by the Board of Supervisors.
- He looks forward to moving ahead as quickly as possible.
- The project team is available to answer any questions.

**Saandra Nazzal**

- Is the project a new subdivision and will it be processed as a new subdivision?
- If there is an appeal period, when would it start?
- Will the Commission make a ruling today?
- She was not aware of the previous meeting.

**Eileen Gold**

- She has lived on 19<sup>th</sup> Street for 18 years.
- This plan has been an issue to all the neighbors.
- The lives of the neighbors will be disrupted for a year while this is being constructed.
- Why can't the Planning Department work with DBI to deal with the issues.
- The developer is winning and the neighborhood needs to win also.

**Cordelia Brown**

- Her family recently purchased a home on Oakwood Street.
- They are planning to reside in the back cottage that's adjacent to the project.
- They will have to take out a back wall that was put in illegally. The window they will install will face the windows of the proposed project.
- They would like some of the garden space put in behind their building.
- She asked that the building be set back a bit further if they cannot allow some of the open space.

**Dallas Haines**

- He has lived on 19<sup>th</sup> Street for about 7 years.
- He has signatures of people that agree with removing the underground parking lot.
- The aesthetics of the new proposal is much more in keeping with the neighborhood.

- The neighbors have seen the new design and approve it.
- He and many neighbors are supportive of the new design.

**Lorane Hanes**

- He supports this project and would like to see it get started.
- He has never seen a neighborhood come so close and be supportive of this.

ACTION: No Action Required.

**D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

*Re: 464 30<sup>th</sup> Street*

**Mark Madsen**

- He is one of the 50 petitioners who is thankful to the Commissioners who were able to do a site visit.
- There is a great deal of discrepancies between the plans and the actual project.
- He presented documentation on why this report is inaccurate and misleading.
- He urges the Commission to consider this.

**Nancy Davis**

- She expressed her thanks to the Commissioners who came to see the project.
- It is important to preserve the enjoyment and tranquility of their homes.

**John Sanger**

- They took the Commissioner's concerns quite seriously.
- They devised and went back to the Discretionary Review requester with revised plans.
- He had not received a response until a day before yesterday, which did not allow enough time to provide the appropriate copies to the department.
- The Commission did not give direction to preserve views.
- He displayed a diagram of the façade of the building.
- He feels that they have been quite reasonable.

**Christopher Moscone**

- He did respond to Mr. Sanger's proposal and they did take some time to respond because of vacations, etc.
- He did not get a response to their response until [just] before the hearing.
- He appreciates the time that the Commission has taken on this and will allow more time if necessary to try to work out minor differences.

**Claire Pilcher**

- This is not a view issue as Mr. Sanger states.
- The garden in the back of one of the neighbors is actually unbelievable so the issue here is not about view but of livability.

*Re: 77 Bluxome Street*

**John Behanna**

- He has had his art studio for many years.
- Bluxome Street works because there are a number of businesses there.
- Bluxome Street is at its limit with long-term parking.

**Sue Hestor**

- She would like to have this project continued until the Commission has a staff report
- She does not know if Ms. Barkley has new plans.

**Alice Barkley**

- She displayed the new plans of the project--specifically the courtyard.
- All the units at the podium level have direct access to the courtyard.

- This project will not be a live/work project.
- She would be more than happy to view the new plans, but the Commission and staff have this information.

**Charles Brelinger**

- He has received various letters of support.
- There has been very favorable feedback from the community

**Charles Lorencen**

- There are going to be SROs popping up in the future.
- Perhaps the issue here is density.
- This project is being built to the maximum capacity.
- He urged the Commission to reduce the density and the number of units and make the units larger.
- There are safety concerns related to SRO's.
- He feels that a Mandatory Discretionary Review would be most adequate.

**Sean Keagran**

- He read a letter from the SOMA Leadership Council who supports the project.

**Joe O'Donaghue**

- There are many SRO's in various cities of the United States.
- Many people don't seem to like people moving in and out of SRO's.
- The units being built in other cities are actually even quite smaller.
- This project is a good project so long as it meets the standards imposed by the Commission.

**Jeremy Nelson – Transportation for a Livable City**

- He was concerned previously with the garage, but the project sponsor has reduced it to an acceptable width.
- He displayed maps of San Francisco showing the various districts and showing which ones are transit friendly areas, where car share locations are, etc.

**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

7. 2004.0506D (R. CRAWFORD: (415) 558-6358)  
464 30<sup>TH</sup> STREET - north side between Noe and Sanchez Streets. Assessor's Block 6639 Lot 020 - **Request for Discretionary Review** of Building Permit Application No. 2004 0310 8295, to construct horizontal and vertical additions to the existing one family dwelling including a full third story and a rear extension in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of August 12, 2004)

**NOTE: On August 12, 2004, after public testimony, the Commission closed the public hearing and continued the item to September 9, 2004 by a vote of +5-0. Commissioner Bradford Bell was absent.**

SPEAKER(S): None

ACTION: Took Discretionary Review and approved the project consistent with plans submitted to the Commission dated August 18, 2004, including:

- 1) The length of the second story of the rear two story extension shall be reduced by six (6) feet.
- 2) The roof line of the building shall be stepped down by one foot six inches (1'6") at the rear of the existing building and by two feet six inches (2'6") eight (8) feet beyond the existing building.
- 3) The rear eight (8) feet of the third story shall be setback an additional seven feet four inches (7'4") from west.

- 4) The rear fourteen (14) feet of the east side of the third story shall be setback three (3) feet to a depth slightly below the height of the second floor ceiling.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee  
NAYES: Hughes and Olague

8a. 2004.0676D (J. PURVIS: (415) 558-6354)

77 BLUXOME STREET - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone. **Mandatory Discretionary Review** under Resolution No. 16202 of Demolition Permit Application No. 2003.06.10.6727 to demolish a two-story commercial building, formerly used as PDR space, and its replacement by a seven-story, 108-unit SRO (Single Room Occupancy) residential building with a 16-space residential parking garage on the ground floor, subject to a rear yard modification.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.

**NOTE:** On August 12, 2004, following public testimony, the Commission closed the public hearing and made a motion to not take Discretionary Review and Approve the Project by a vote of +2-3 (Commissioners Hughes, Olague and S. Lee voted No). The motion failed to carry. The Commission continued this item to September 9, 2004 to allow the absent Commissioner to participate. Commissioner Bradford Bell was absent.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Olague

8b. 2004.0677D (J. PURVIS: (415) 558-6354)

77 BLUXOME STREET - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone - **Mandatory Discretionary Review** under Resolution No. 16202 of Building Permit Application No. 2003.06.10.6726 to construct a seven-story, 108-unit SRO residential building following the demolition of a two-story commercial building.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**NOTE:** On August 12, 2004, following public testimony, the Commission closed the public hearing and made a motion to not take Discretionary Review and Approve the Project by a vote of +2-3 (Commissioners Hughes, Olague and S. Lee voted No). The motion failed to carry. The Commission continued this item to September 9, 2004 to allow the absent Commissioner to participate. Commissioner Bradford Bell was absent.

SPEAKER(S): None

ACTION: Took Discretionary Review and approved the project as modified by the sponsor: convert one of the dwelling units on each floor for a community room.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 8c. 2003.0366V (J. PURVIS: (415) 558-6354)  
77 BLUXOME STREET - south side between 4th and 5th Streets; Lot 019 in Assessor's Block 3786, within an SSO (Service/Secondary Office) Mixed-Use District, and a 65-X Height and Bulk District in the Industrial Protection Zone. **Request for Rear Yard Modification** under Planning Code Section 134 (e) to construct an 65-foot-tall, seven-story SRO residential building, with open space provided within a 1,530 square-foot inner court, a 420 square-foot rear setback, and a 3,400 square foot roof deck in lieu of the 2,100 square foot (25 percent of lot area) standard rear yard.

**NOTE:** On August 12, 2004, following public testimony, the Acting Zoning Administrator continued this item to September 9, 2004.

SPEAKER(S): None

ACTION: Zoning Administrator closed the public hearing and has taken the matter under advisement.

## F. REGULAR CALENDAR

*The 9 was taken out of order and followed item 12:*

9. 2004.0645C (D. SIROIS: (415) 558-6313)  
5825-5845 MISSION STREET, 50-68 OLIVER STREET & 846-848 BRUNSWICK STREET (aka SAN FRANCISCO CHRISTIAN CENTER) Lots 2,3,5,14,15,27 Assessor's Block 6472 - **Request for conditional use authorization** to amend a Planned Unit Development previously authorized by the Planning Commission under Motion No. 16517. The proposal includes the construction of a three-story 4,550 square-foot horizontal addition to the rear of the existing church building located at 5825 Mission Street. This amendment requires conditional use findings for non-residential use size over 4,000 square feet for the proposed addition to the church building pursuant to Planning Code Sections 711.21, 121.2 & 303(c). Lots 2 & 27 of the project site are located in an NC-2 (Small-Scale Neighborhood Commercial) District, and lots 3,5,14 & 15 are located in an RH-1 (Residential House, One-family) District. The entire site lies in a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Steve Currier – Outer Mission Residents Association

- It is nice to support a project instead of protesting it.

- This church has turned that area around.

- Parking was a condition that was previously addressed.

(+) Jeremy Nelson – San Francisco for a Livable City

- He supports this project.

- The parking should not be that much of an impact.

ACTION: Approved with Conditions as proposed.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16856

10. 2004.0617C (M. LI: (415) 558-6396)  
1458-1462 GRANT AVENUE - southeast corner at Union Street, Lot 021 in Assessor's Block 0115 - **Request for conditional use authorization** to establish a full-service restaurant (dba "North Beach Pizza") of approximately 2,500 square feet within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District. The project consists of relocating two existing restaurants and consolidating them into one restaurant at this location. North Beach Pizza is proposing to occupy two of the four existing storefronts on the ground floor, which are presently vacant. There will be no

physical expansion of the existing building. Conditional use authorization is also required to use a patio at the rear of the property for outdoor seating. The proposed use is not "formula retail" as defined in Section 703.3 of the Planning Code.

Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Dennis Laboth – North Beach Pizza

- He would like to have his project approved.
- They want to remain in North Beach.

ACTION: Approved with Conditions: Three conditions were modified (No. 2, 13, and 14), and one new condition was added (No. 20):

2. The authorization granted herein shall be valid for a period of eighteen (18) months from the date of the adoption of Motion No. 16857 and shall become null and void after that time if the building, health, or other required permits have not been obtained.
13. The proposed exterior alterations shall be in general conformity with the design of the existing storefronts, with the intent to preserve the architectural character of this Contributory Building to the North Beach Historic District:
  - a. Maintain the building's original pattern of storefronts, windows and doors, divided by columns.
  - b. Maintain the prevailing pattern of traditional awnings.
  - c. Maintain the second entry and doorway, to preserve the small storefront nature of Grant Avenue, and allow for the possibility of re-subdivision of the space in the future. The Project Sponsor shall make best efforts to maintain the original demising wall between the two storefronts.
  - d. The Project Sponsor is encouraged to use the State Historic Building Code to minimize alterations to the building's historic fabric.
14. Ventilation New or relocated ductwork shall not be located on the sides of the building facing Grant Avenue or Union Street and shall not obscure any residential windows on the upper floors of the subject building.
20. Pursuant to Section 722.27, the hours of operation for the restaurant shall be limited to the hours between 6:00 AM and 2:00 AM.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16857

- 11a. 2004.0463C (B. FU: (415) 558-6613)  
470 CLEMENTINA STREET - north side, between 5th and 6th Streets, Lot 073 in Assessor's Block 3732 - Request for Conditional Use authorization pursuant to Planning Code Sections 157 and 204.5 to allow seven off-street parking spaces, for a new 12-unit building, in excess of accessory amounts in the South of Market Residential Service District (RSD) with a 40-X/85-B Height and Bulk Designation, and in a Mixed Use Housing area, pursuant to Planning Commission Resolution No. 16727.

Preliminary Recommendation: Disapproval

SPEAKER(S):

(+) Eddy Sang – Project Sponsor

- There will be 24 dwelling units and 14 parking spaces.

- Everyone in the neighborhood expressed that there was a need for more parking spaces.

- He will be loosing two units and additional parking spaces.

- The project is within the envelope.

(+) **Jeremy Nelson – Transportation for a Livable City**

- They are strongly in support of the project and strongly against the off street parking.

- This area has had a number of accidents involving pedestrians.

ACTION: Disapproved

AYES: Bradford Bell, Hughes, S. Lee, Olague

NAYES: Antonini and W. Lee

MOTION: 16858

11b. 2004.0464C

(B. FU: (415) 558-6613)

475 TEHAMA STREET - south side, between 5th and 6th Streets, Lot 082 and 083 in Assessor's Block 3732 - Request for Conditional Use authorization pursuant to Planning Code Sections 157 and 204.5 to allow seven off-street parking spaces, for a new 12-unit building, in excess of accessory amounts in the South of Market Residential Service District (RSD) with a 40-X/85-B Height and Bulk Designation, and in a Mixed Use Housing area, pursuant to Planning Commission Resolution No. 16727.

Preliminary Recommendation: Disapproval

SPEAKER(S): See Speakers for Item 11a.

ACTION: Disapproved

AYES: Antonini, Bradford Bell, S. Lee, Olague

NAYES: Antonini and W. Lee

MOTION: 16859

*Item 12 was taken out of order and heard prior to item 9.*

12. 2003.0657C

(G. CABREROS (415) 558-6169)

1730 VAN NESS AVENUE - east side between Clay and Sacramento Streets, Lot 019 in Assessor's Block 0622 - Request for Conditional Use authorization under Planning Code, to allow the expansion of an institutional use (American Buddhist Cultural Temple) (Section 209.3), the creation of a commercial space above the ground floor (Section 209.3), construction of a building exceeding 40 feet in height (Section 253), and exceptions from the prescribed bulk limits (Section 271) in an RC-4 (Residential Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District. The project would result in a four-story building up to 80 feet in height containing a sanctuary, a bookstore, group housing for monks, a dining hall, dormitory rooms for students, conference rooms, offices and various other rooms associated with the institution.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of September 2, 2004)

SPEAKER(S): None

ACTION: an appeal of the environmental Categorical Exemption was filed just prior to this hearing. Until this issue is settled, the item cannot be heard by the Planning Commission.

13a. 2004.0070D

(M. SMITH: (415) 558-6322)

23 EUREKA STREET - east side between 17<sup>th</sup> and Market Streets, Lot 048 in Assessor's Block 2649 - Request for Discretionary Review of Building Permit Application No. 2004.02.12.6324, proposing to raise the existing noncomplying rear building 5'-6" to create habitable area at the ground floor. The proposal includes constructing a deck and

reconfigured stairs at the front of the building and infilling the light well at the southeast corner of the building with a one-story addition. No work is proposed for the two-unit building at the front of the lot. The property is located in a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

**SPEAKER(S):**

**(-) Bruce Bonacker – Project Architect**

- The concerns are that there will be loss of sun and privacy, and a reflective glare will be produced.
- He displayed a drawing showing how the new project will impact the Discretionary Review requestor's home.
- The project sponsor has not been available to review and comment.
- The surrounding buildings are taller, but they are built as cottages instead of in the mid-block open space.

**(-) Chris Christensen**

- He is representing the residents of the building. He submitted a petition representing people who are opposed to the project.
- He is wondering why the structure cannot be lower. The building is already on space that should be open.
- These projects hardly ever turn out the way they were promised.

**(-) Vanesa Weisbrod**

- She is speaking on behalf of her grandmother.
- The proposed project would intrude on her privacy.
- Loss of light would be detrimental to her health--she is 80 years old.
- Since her grandmother cannot go out that often, she enjoys staying at home and enjoying the sunlight that comes in.

**(-) Amanda Powers**

- Her kitchen is what her family uses as a family room.
- The proposed project will definitely interfere with her privacy.

**(-) James Hutchinson**

- He has lived on 17<sup>th</sup> Street for many years.
- The proposed project will block valuable daylight.
- He does not understand how the project sponsors have been able to live in their home for eight years just fine and currently decide to expand and now the neighbors have to live in their shadow.

**(-) Michael Cobb**

- Mr. and Mrs. Hamil are fabulous people.
- They are not harming him in any way.
- But the people that have spoken in favor of the project, do not live close by.

**(-) Juan Crovetto**

- He would not like to see anything changed with the new construction.

**(+) Nancy Hamil – Project Sponsor**

- They have been residents of this house for 11 years.
- They simply do not have the money to purchase a new house. If they are not allowed to renovate, they will have to move out of the City.
- The increase is not that large.
- Their home is quite small.
- They have tried to minimize the impact on the neighbors.
- All of the surrounding structures will still be taller than their home even after the renovation.
- They have MUNI underground next door so there are a lot of vibrations. They are not looking for master bedrooms either.

ACTION: Did not take Discretionary Review and approved as proposed  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee  
NAYES: Olague

- 13b. 2004.0070V (M. SMITH: (415) 558-6322)  
23 EUREKA STREET - east side between 17<sup>th</sup> and Market Streets, Lot 048 in Assessor's Block 2649 - **Request for a rear yard variance** for Building Permit Application No. 2004.02.12.6324, proposing to raise the existing non-complying rear building 5'-6" to create habitable area at the ground floor. The proposal includes constructing a deck and reconfigured stairs at the front of the building and infilling the light well at the southeast corner of the building with a one-story addition. The project is subject to a rear yard variance request for the expansion of a non-complying building that is located within the required rear yard. The property is located in a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

ACTION: The Zoning Administrator Closed the Public Hearing and granted Variance subject to standard Conditions of Approval.

14. 2004.0495D (M. SMITH: (415) 558-6322)  
2142 40<sup>TH</sup> AVENUE - east side between Quintara and Rivera Streets, Lot 042 in Assessor's Block 2178 - **Request for Discretionary Review** of Building Permit Application No. 2003.11.17.0325, proposing to construct a two-story horizontal addition and stairs at the rear of the building and construct a one-story vertical addition on top of the building, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and approve the Project.

ACTION:

**(-) Hammet Yu – Discretionary Review Requestor**

- They are enjoying their family life.
- Their house is located in the back of the permit applicant's house.
- They have a 180-degree view and the proposed project would block that.
- They have no objection to the project sponsor's horizontal extension but they do object to the vertical extension.

**(-) Eileen Boken**

- She is opposed to the project because of the size of the project and for neighborhood character.
- When this neighborhood was built, it was designed with very few parks. The neighborhood was single-family homes.
- The back yards should be preserved for open space.

**(-) Mavis Nathan**

- She has never received any notification of this project. Her neighbors notified her.
- She objects to the project because the project would set a precedent in favor of much larger homes in the neighborhood.
- This will change the character of the neighborhood.

**(-) Deborah Brown**

- The character of the neighborhood would be disrupted if this project were approved.
- She questions how the Code would allow houses this high in this neighborhood.
- In this area of the Sunset, there are no other three-story houses.

**(+) Steven Lee – Project Sponsor**

- He and his wife have been living there for nine years and they want to remain in the neighborhood.
- They want more space to accommodate their family.
- There are various homes in the neighborhood that are three stories tall.

- ACTION: Did not take Discretionary Review and approved the project.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
15. 2004.0535DD (R. CRAWFORD: (415) 558-6358)  
2059 23<sup>rd</sup> AVENUE - west side between Pacheco and Quintara Streets. Assessor's Block 2143 Lot 015 - **Request for Discretionary Review** of Building Permit Application No. 2004 0312 8471, to construct a two story addition to the rear of the existing dwelling in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications

## SPEAKER(S):

(-) Ray Chang – 1<sup>st</sup> Discretionary Review Requestor

- There are only five houses on the block that have ever been renovated or extended.
- The proposed project does not fit into the character of the block or our neighborhood.
- There does not seem to be any consideration of the Residential Design Guidelines.
- If the project goes through as is, his home will be devalued.
- The project sponsor suggested painting the wall where the addition is going to be. He does not care about the color because he does not want that wall there.

(-) Marcela Roar – 2<sup>nd</sup> Discretionary Review Requestor

- None of the neighbors in the area were notified until they received notification from the City.
- They are concerned about the negative impact this construction will have on their homes, open space and the integrity of the neighborhood.
- The project should be modified by reducing the height 12 feet and the rear extension 18 feet.
- Her husband gets up at 5:30 a.m. to walk or jog so he goes to sleep early. [The way the houses are now we] can hear noises from the adjacent house. She requested that a sound wall be installed. A building inspector should also be hired to ensure that the materials used in the project are of the highest quality.

## (-) Eileen Bocken

- She opposes the project. She lives one block away from the project.
- The size is too massive and she is concerned with its compatibility with the other homes.
- There have been a number of transactions in the Assessor's records.

## (-) Sara Del Monte

- She lives in the neighborhood.
- She does not see why the project sponsor needs to build such a monstrosity.
- The homes in the neighborhood are single-family homes.
- She treasures San Francisco enough [to oppose this].

## (-) Ellen Chiang

- She was born and raised in San Francisco.
- This addition is too large for the mid-block open space.
- The area is zoned for single family homes.

## (+) Rex McClain – Project Architect

- The project sponsors want to add bedrooms and a bath.
- The project sponsors have a large family.
- He feels that having four bedrooms is not an unreasonable expectation.
- Although leaving the first floor open is odd to the project sponsor, they will be using the space as a covered outdoor patio for their children to play when there is bad weather.

## (+) Victoria Liveron

- She and her husband are planning to have another child for a total of three.
- Many of the homes in the neighborhood have gone through renovations.
- They have tried to design the smallest possible addition allowable.
- The empty space on the first floor will be used as a family room or as an enclosed play area.

**(+) Alex Liveron**

- The requestor's bedroom has a large top to bottom patio door where sun will not be blocked.
- They made an offer to the Discretionary Review requestors in order to deal with the issues they have.
- He has a list of things that they would like to offer to the DR requestors that is available to the Commission.
- There are support letters from the neighborhood.

ACTION: Took Discretionary Review and modified the project by: the two story horizontal rear addition is not to exceed 13 feet from the existing rear wall.

AYES: Antonini, Hughes, S. Lee, W. Lee

NAYES: Bradford Bell and Olague

- 16a. 2004.0323D (R. CRAWFORD: (415) 558-6358)  
1644 DIAMOND STREET - west side between 28th and 29th Streets. Assessor's Block 7520 Lot 007 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2004 0303 7704, to demolish an existing single family dwelling in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

**SPEAKER(S):****(-) Steve Williams – Representing Discretionary Review Requestor**

- Single-family homes are being lost.
- This housing is occupied and has been occupied since it was first purchased.
- The intention from the beginning was to destroy the house.
- The soundness report does not have accurate figures.
- The size of the lots is small and extremely substandard.
- This house should be saved. The 3-½ foot setback should be retained.

**(-) Suzanne Dumont**

- She is opposed to the project because it will demolish perfectly sound housing.
- This demolition should not go forward. It is just an excuse for expanding.

**(-) Marilou Lascari**

- She is opposed to the demolition.
- The Commission can save the wholesale [demolition] of single-family homes.
- She urged the Commission to keep small houses.
- The Residential Design Guidelines should be applied.

**(-) Michael Redmond**

- He has lived on Diamond Street for over 25 years.
- The houses in the area are modest and unpretentious.
- There are no other four-story houses on the block.
- The project will tower over his house and block his light and air.
- He has signed petitions from 41 neighbors who oppose the project.

**(-) Winnie Siegel – Little House Committee**

- She speaks for preservation.
- The Commission should decide for repair and not demolition.
- The house could be purchased as a starter home.

**(-) Mrs. Anderson**

- She opposes the demolition.
- There have been eight demolitions and new constructions recently.
- Because of these projects, the noise and traffic is affecting the neighborhood.
- There are no buildings that are four stories over garage.

**(-) Klaus Wirsing**

- The three houses on Diamond Street are a cluster of small lots.
- The new construction will dramatically change the neighborhood.
- There is a lot of anger brewing in the neighborhood.

**(-) Dick Meister**

- He lives on 28<sup>th</sup> Street.
- All the points have been made already.
- He is opposed to the demolition.

**(-) Margaret Hoppe**

- She lives four doors down.
- She is opposed to the monster homes going up in the neighborhood.
- She read a letter from Vicky Rosen who is opposed to the project.
- The proposal is not harmonious with the neighborhood.

**(-) Mr. Anderson**

- This type of redevelopment in the neighborhood is hurting it.
- If a modest addition is intended, then it should be done following all the requirements and communicating with the neighbors.
- There will be a lot of construction noise as well.

**(-) Harry Jeong**

- He lives across the street from the subject project.
- He requested Discretionary Review on this property.
- He sees that only cosmetic renovations need to be done to the project.

**(-) Gerry Meister**

- She lives on 28<sup>th</sup> Street.
- Most all of the points have been made and she wanted to echo the sentiments.
- She opposes the demolition.

**(-) Peter Culley**

- He is a registered Structural Engineer and has been for about 40 years.
- Many of the previous speakers have questioned the logic of the soundness report.
- He examined the site and determined that there is no hillside sliding.
- He gave a technical explanation of why the house does not need to be demolished.

**(-) Joe Butler**

- There is a small wide lot.
- This proposed construction will tower over the adjacent houses.
- He showed photographs of how the project would cause shadows over the neighbors.

**(-) Judith Hoyem**

- The planning code has priority policies to preserve existing character. It seems extremely wasteful to demolish this house.

**(+) David Mielder**

- There have been recommendations to reduce the a section by 12 feet and pull the house back from the property line by three feet and the new plans reflect that. The back area has been lowered an additional three feet.
- The other issue here is the rights of a property owner compared to the rights of the neighborhood.
- Since this has to be negotiated with the people that it impacts, they have made revisions to the plans to reflect their issues.
- He mentioned that although this is the developer's project, he as well and the project architect live in the neighborhood.

**(+) James Lee**

- He displayed a photograph showing how the soil in the back of the house is pushing the upper portion of the house.

MOTION: To continue to October 7, 2004

AYES: Antonini, Hughes, W. Lee

NAYES: Bradford Bell, S. Lee, Olague

RESULT: Motion failed

ACTION: Took Discretionary Review and disapproved the demolition.  
AYES: Bradford Bell, Hughes, S. Lee, Olague  
NAYES: Antonini and W. Lee

16b. 2004.0535D (R. CRAWFORD: (415) 558-6358)  
1644 DIAMOND STREET - west side between 28th and 29th Streets. Assessor's Block 7520 Lot 007 - **Request for Discretionary Review** of Building Permit Application No. 2004 0303 7707, to construct a new single-family dwelling, four stories in height in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

SPEAKER(S): See Speakers for 16a.

ACTION: In case the Board of Appeals overturns the Planning Commission's decision on the demolition, they [the Commission] took Discretionary Review and approved the project as modified:  
1) The height of the portions of the building within twelve (12) feet of the north property line shall be reduced in height by twelve (12) feet.  
2) The building shall be setback a minimum of three (3) feet from the north property line.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

17a. 2004.0338DDDV (D. DIBARTOLO: (415) 558-6291)  
755 22<sup>nd</sup> AVENUE - west side between Cabrillo and Fulton Streets: Lot 014 in Assessor's Block 1665 - **Requests for Discretionary Review** of Building Permit Application No. 2003.09.29.6087S, proposing to construct a three-story horizontal extension at the rear of the existing three-story single family dwelling unit and to add an additional dwelling unit at the ground floor. The rear addition would increase the structure's depth by approximately 6 feet into the rear yard in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Continued from Regular Meeting of September 2, 2004)

SPEAKER(S):

(-) Steve Williams – **Representing 1<sup>st</sup> Discretionary Review Requestor**

- Many people of the neighborhood will speak on the importance and beauty of the mid-block open space.
- This area is a real garden to all the neighbors.
- There is a history of various Discretionary Reviews in this neighborhood.
- The recent history is that his particular applicant was a Discretionary Review applicant.
- He submitted a copy of this Discretionary Review.
- There are some representatives from PAR who are here to speak against the project. They tried every effort to solve the issues.

(-) Francesca Pera – **2<sup>nd</sup> Discretionary Review Requestor**

- This mid-block open space is very special for everyone on the block.
- This project would extend to the maximum allowable buildable area.
- The subject property is one of the largest on the block already.
- A proposal for a large remodel was approved by the Commission for another neighbor. However, there were conditions and reductions made to that project.
- Therefore, it would be appropriate to take Discretionary Review because the design of the project is not compatible with the neighborhood.
- The mid-block open space is a natural resource that the neighbors must protect.

(-) Sandra Fewer – **3<sup>rd</sup> Discretionary Review Requestor**

- She has lived in the area for over 18 years.

- Her home is three houses away from the proposed project.
- Her back yard is comparable to a private park.
- All the neighbors have shared and respected the mid-block open space.
- Light and air enter every window of her home.
- The proposed project would be the largest house on the block.
- This project is not about six feet, it is about neighbors abiding by the process and being successful in coming to an agreement.
- The parking situation in the area will only get worse.

**(-) Camille Hamilton**

- Their mid-block is so rare and so exceptional that they are working hard to preserve it.
- This project cannot be decided upon on a "one size fits all" policy.

**(-) David Pating**

- He lives on 22<sup>nd</sup> Avenue.
- He displayed various diagrams of suggested floor plans but the project sponsor rejected them.
- He asked that the project be reduced three feet.

**(-) Peter Winkelstein – PAR**

- They support the Discretionary Review requestors because of the uniqueness of the open space.

**(-) John Fewer**

- He lives on 22<sup>nd</sup> Avenue.
- The applicant has misled the Commission on various exhibits.

**(-) Jeff Pera**

- He and his wife have lived in the neighborhood for about 5 years.
- They are concerned about preserving the mid-block open space.
- If approved, the project would set a precedent for other projects.

**(-) Steve Artus**

- He lives on 23<sup>rd</sup> Avenue.
- The neighbors have tried really hard to reach a settlement.
- He urges the Commission to take Discretionary Review.

**(-) Colen Fewer**

- She lives on 22<sup>nd</sup> Avenue.
- The back yard is a haven to her.
- The park in the middle of the block is spectacular.

- She asked that the Commission help them preserve it.

**(-) Raymond Holland**

- He lives on 23<sup>rd</sup> Avenue.
- This is the third in a line of deficit decisions.
- This is a unique open space and he hopes the Commission will grant discretionary review.

**(+) Andrew Junius – Reuben and Junius – Representing Project Sponsors**

- There have been a lot of misrepresentations and lies said.
- There are many neighbors who support this project.
- There have been numerous meetings and numerous design changes to deal with the issues.

- The project is only asking for six feet on the upper and lower floors.

**(+) Marisa Singer**

- Her clients have been very concerned about the open space in the back.
- They are also maintaining most of the Edwardian style house.

**(+) Jeff Nemy – Project sponsor**

- He thanked staff for all their help and support.
- Many neighbors have been able to remodel their homes and now they are telling him how to remodel his home.

- Many people have given testimonies today that are not true.

**(+) Betsie Nemy – Project sponsor**

- She has lived on 22<sup>nd</sup> Avenue for about 40 years.

- She has a stove that is on the back porch without even a sink. She does not even have all the things needed for a kitchen in one room.

(+) Cliff Gardner

- He has lived in the Richmond since 1997.
- He renovated his house when his family got larger.
- As he looks at the project, this is all about six feet.
- This beautiful Edwardian will be brought to modern times.

(+) Edward Lee

- He has lived in the Richmond for about 12 years.
- He is aware of the beautiful mid-block open space.
- The project is fully within the codes of San Francisco.
- He suggested that the Commission look at the facts instead of the emotional hyperbole.
- The design does not foster a negative impact as suggested by previous speakers.

(+) Tony Maurovich

- He has lived on 22<sup>nd</sup> Avenue for many years.
- Six feet will not diminish the open space.
- The project sponsor should be allowed to build as proposed.

(+) Oblio Jenkins

- The designs of the plans are great.
- The project sponsor has tried to maintain and preserve the mid-block open space.

(+) Nick Ames

- He has been to the project sponsor's home and the kitchen is in a terrible situation.
- It is important that a community come together instead of fighting each other.

(+) Allan Foster

- The project sponsor has been more than reasonable. His project should be approved.

(+) Steven Nemy

- His home in San Francisco is nice and his friends are here.
- All men are created equal.
- They are trying to make us think they are nice by creating a block party.
- They get to remodel and now they are not letting us do the same.

(+) Julia Nemy

- She is outgrowing her house.
- All men are created equal so please approve the project.

(+) Jeremy Nelson

- They support the parking variance because it allows more flexibility for parking and a more efficient use of space.
- There are no policy merits to allow independently accessible parking.
- If the parking variance is approved, he requested that it [parking] be unbundled.

MOTION 1: Do not take Discretionary Review and approve the project.

AYES: Antonini, Bradford Bell, Olague

NAYES: Hughes and S. Lee

ABSENT: W. Lee

RESULT: Motion Failed

MOTION 2: Take Discretionary Review as approve as modified: Do not extend rear wall beyond adjacent property to the North.

AYES: Hughes and S. Lee

NAYES: Antonini, Bradford Bell, Olague

ABSENT: W. Lee

RESULT: Motion Failed.

ACTION: In the absence of a substitute motion, the permit was approved as proposed.

- 17b. 2004.0338DDDV (D. DIBARTOLO: (415) 558-6291)  
755 22<sup>nd</sup> AVENUE - west side between Cabrillo and Fulton Streets: Lot 014 in Assessor's Block 1665 - The proposal is to construct a three-story horizontal extension at the rear of the existing three-story single family dwelling unit and to add an additional dwelling unit at the ground floor. A Variance is sought from the off-street parking requirements of Section 154, as the project would provide a 2-car tandem parking configuration rather than independently accessible parking as required by the Planning Code. The subject property is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of September 2, 2004)

SPEAKERS: Same as those listed for item 17a.

ACTION: Zoning Administrator closed the public hearing and granted the variance.

18. 2004.0792D (D. DIBARTOLO: (415) 558-6291)  
26 JOICE STREET - east side between California and Pine Streets: Lot 024 in Assessor's Block 0256 - Request for Discretionary Review of Building Permit Application No. 2003.02.20.7886S, proposing to construct a vertical and horizontal addition and to renovate the existing two-story single family structure. The vertical addition adds two new floor levels and the horizontal addition maintains the existing rear yard depth, while extending each floor level for the entire lot width. The subject property is within an RM-3 (Residential, Mixed, Medium-Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Madelyn Lee – representing the Discretionary Review Requestor

- She is the daughter of the Discretionary Review requestor.
- The horizontal addition will block out the sun.
- They were not aware that the person next door was going to do remodeling.
- A few months ago, there was some concern about the light.
- She is worried that the project sponsor did not talk to her mom about the project.

(+) Dennis Lee – Project Architect

- This is a very narrow property.
- They looked at different design options to meet his client's needs and respect the height and block face.
- He tried to incorporate the existing block face and height limits.
- He feels that the project does not have severe impacts on the neighbors.

(+) Mitchel Hong – Project Sponsor

- He has lived in San Francisco for more than 50 years.
- The lot is too narrow.
- He has support from the neighbors.

ACTION: Did not take Discretionary Review and approved the project

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be

exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**Jeremy Paul**

*Re: 170 St. Germain*

- He was unable to speak last week when this case was discussed during Director's Report.
- His personal integrity was questioned and he wants to clarify some issues.
- There was a notice of violation issued on August 6, 2004 and a complaint on August 6, 2004.
- He had spoken to the district building inspector at that time. He had also reviewed the permit and seen the photographs that the Discretionary Review requestor's representative had illegally entered the site to take. The inspector visited the site and was not concerned because he had determine that the house was not habitable.
- After the public hearing was held in July 2004, another inspector was assigned—different from the one who issued the notice of violation.
- If the Commission or staff have any questions, he is available.
- He has been doing this for 15 years and has never worked on a case that has caused so much staff time.

Adjournment: 11:30 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, OCTOBER 7, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 23, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,  
William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning and Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Paul Lord; Glenn Cabreros; Matt Snyder; Rick Crawford; Geoffrey Nelson; Dan DiBartolo; Craig Nikitas; Winslow Hastie; Sara Velve; Dan Sirois; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2004.0234CV (J. PURVIS: (415) 558-6354)  
2917-2919 24TH STREET - south side between Florida and Alabama Streets; Lot 015 in Assessor's Block 426 - **Request for Conditional Use Authorization** under Planning Code Section 161(j) to add three dwelling units to a commercial building without providing off-street parking. The dwelling units would be provided through a vertical addition, adding one new floor plus mezzanine above the existing two-story building with a six- and ten-foot setback from the existing front building wall. A Rear Yard Modification is sought under Section 134(e) to provide rear yard open space within front and rear setbacks. The site is within the 24th Street-Mission Neighborhood Commercial Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Approve with conditions  
**(Proposed for Continuance to November 4, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 1b. 2004.0234CV (J. PURVIS: (415) 558-6354)  
2917-2919 24TH STREET - south side between Florida and Alabama Streets; Lot 015 in Assessor's Block 426 - **Request for Rear Yard Modification** under Section 134(e) to provide rear yard open space for three dwelling units within front and rear setbacks. The Zoning Administrator will hear the Rear Yard Modification immediately following the Planning Commission's hearing on the Conditional Use. The site is within the 24th Street-Mission Neighborhood Commercial Use District, and a 40-X Height and Bulk District.  
**(Proposed for Continuance to November 4, 2004)**
- SPEAKER(S): None  
ACTION: Without hearing, Zoning Administrator continued item to November 4, 2004.
2. 2003.0262E (A. AGUILAR: (415) 558-5973)  
TENTH/MARKET/MISSION STREETS MIXED-USE PROJECT (AKA 1401-1435 MARKET STREET) - **Certification of a Final Environmental Impact Report:** The project site is at Assessor's Block 3507, Lot 39, and is located in the C-3-G (Downtown General Commercial) Zoning District and in the 150-S, 200-S, and 320-S Height and Bulk Districts. The project site is approximately 95,000 square feet on the west side of Tenth Street between Market and Mission Streets. The project site is within the proposed Mid-Market Redevelopment Project Area. The project sponsor proposes to construct a 24-story, 320-foot-tall office building fronting Market Street which would provide municipal offices uses; a 21-story, 200-foot-tall market-rate housing tower fronting Tenth Street which would provide up to 250 units; and a 15-story, 150-foot-tall affordable senior housing tower would provide up to 200 units. The project would include approximately 313 off-street parking spaces and the total gross square footage for the proposed project would be approximately 1,024,119. The proposed project would require demolition of seven structures, which contain approximately 166,700 gross-square-feet of vacant office space and removal of 108 surface parking spaces.  
Preliminary Recommendation: Certify the Final Environmental Impact Report. Please note that the public review period for the Draft Environmental Impact Report ended at 5:00 pm, June 28, 2004.  
**(Proposed for Continuance to November 4, 2004)October 14, 2004**
- SPEAKER(S):  
**William Fleishhacker – Steefel, Levitt & Weiss**  
- They agree with the continuance date of October 14, 2004.
- ACTION: Without hearing, item continued to October 14, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
3. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
TENTH/MARKET/MISSION STREETS MIXED-USE PROJECT (AKA 1401-1435 MARKET STREET) - southwest corner at 10<sup>th</sup> Street, Lot 039 in Assessor's Block 3507 - The proposed project is (1) the creation of the 10<sup>th</sup> & Market Special Use District, (2) the construction of a 320-foot-high office building at the corner of 10<sup>th</sup> & Market that will be owned and occupied by the City and County of San Francisco, (3) the construction of a 200-foot-high building along 10<sup>th</sup> Street containing up to 250 market-rate dwelling units with a garage containing up to 230 parking spaces, and (4) the construction of a 150-foot-high building at the corner of 10<sup>th</sup> & Mission containing up to 200 affordable dwelling units for senior citizens. The project requires a **Planning Code text amendment**, a **zoning map amendment**, a **General Plan amendment**, associated **General Plan referrals**, approval pursuant to **Section 309 of the Planning Code**, conditional use authorization, and a variance. The Planning Code text amendment consists of adding

the 10<sup>th</sup> & Market Special Use District to Article 2 of the Planning Code, which would exempt residential uses from the calculation of floor area ratio. The zoning map amendment consists of adding the 10<sup>th</sup> & Market Special Use District to Map 7 of the Zoning Maps of the City and County of San Francisco. The General Plan amendment consists of adding the proposed 10<sup>th</sup> & Market Special Use District to Map 1 ("Downtown Land Use and Density Plan") of the Downtown Area Plan and adding a new policy to Objective 6 of the Downtown Area Plan.

(Proposed for Continuance to November 4, 2004)October 14, 2004

SPEAKER(S): None

ACTION: Without hearing, item continued to October 14, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 4a. 2004.0130CV (J. MILLER: (415) 558-6344)  
1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in an the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Request for Conditional Use authorization** for use size in excess of 3,000 square feet for a music training facility ("Music City"), with a Full-Service Restaurant and Bar with live entertainment, open after hours (between 2:00 and 6:00 A.M.) also requiring a Variance for off-street parking and usable open space for an upper-floor group-housing use.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of July 22, 2004)  
**NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.**  
(Proposed for Continuance to October 14, 2004)October 28, 2004.

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 4b. 2002.0130CV (J. MILLER: (415) 558-6344)  
1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Off-Street Parking and Usable Open Space Variances** sought in conjunction with the conversion of existing tourist hotel rooms to group housing (residential hotel rooms) and for a Full-service Restaurant and Bar and music training facility ("Music City") with no off-street parking and no outdoor open area.  
(Continued from Regular Meeting of July 22, 2004)  
**NOTE: The Acting Zoning Administrator continued this item to September 23, 2004. Public comment remains open.**  
(Proposed for Continuance to October 14, 2004)October 28, 2004.

SPEAKER(S): None

ACTION: Without hearing, Zoning Administrator continued item to October 28, 2004.

- 4c. 2002.0129C (J. MILLER: (415) 558-6344)  
835 HYDE STREET - west side between Bush and Sutter Streets, Lot 3 in Assessor's Block 279, in an RC-4 (Residential Commercial Combined, High Density) District and a 130-E Height and Bulk District - **Request for authorization of a Conditional Use** for a Tourist Hotel (conversion of 31 "residential" hotel rooms, being consolidated at another location, to "tourist" rooms) with no off-street parking.

Preliminary Recommendation: Approval with conditions

NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. *Public comment remains open.*

(Proposed for continuance to October 14-2004)October 28, 2004

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

5.

2003.1164D (M. WOODS: (415) 558-6315)  
6725 CALIFORNIA STREET - south side between 29<sup>th</sup> and 30<sup>th</sup> Avenues, Lot 47 in Assessor's Block 1404 - Request for Discretionary Review of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and deny the application.

(Continued from Regular Meeting of August 5, 2004)

NOTE: On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

NOTE: On March 25, June 3, and June 24, 2004, without a hearing, the Commission continued this matter. Public hearing remains open on any new information submitted/presented.

*NOTE: The Discretionary Review has been withdrawn by the neighbor.* Based on revised plans, dated September 2, 2004, submitted to the Department, the plans indicate that the existing building character would be preserved and would not be considered a de facto demolition of the existing building.

SPEAKER(S): None

ACTION: Discretionary Review Withdrawn

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption – Draft Minutes of August 5, 2004.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell

7. Commission Comments/Questions

**Commissioner Hughes:**

Re: 170 St. German

- He commented on a document he received that makes what he believes is a very serious assertion.

- He is not sure if this can be scheduled.

**Director Green Responded:**

- The Commissioners have the right to make comments on any matter important to them.

- The matter cannot go into a dialogue by Commissioners unless it is scheduled.

**Commissioner W. Lee:***Re: Status of Planning Director Search*

- He is frustrated about reading a newspaper article regarding the Director of Planning as well as a letter sent from Commissioner Bradford Bell directed to Mayor Newsom. It is also disturbing reading about a project that was done in 2004 where funding was approved for open space and it was not used for open space.
- He feels very strongly that the Commission needs to get moving on this issue.
- He sees three options: 1) terminate the current director; 2) retain him in the position; 3) place his name in the pool of applicants.
- "I have never seen such a dysfunctional department."
- An action item should be placed on the agenda of the next meeting to discuss this issue.
- He requested that Commissioners vote today to determine if this issue should be placed on the agenda as an action item at the next hearing.
- "If Commissioners feel that I am out of line, I am willing to resign from the position of Planning Commissioner."

**Commissioner Antonini:***Re: Status of Planning Director Search*

- He questioned if there was going to be a meeting next week (September 30, 2004)?

**Commission Secretary responded:**

- The 5<sup>th</sup> meeting of the month has always been cancelled.

**Commissioner Antonini:***Re: Status of Planning Director Search*

- He remembers a conversation about a month ago to add it back in.

**Commission Secretary responded:**

- There was a discussion of having a joint meeting with the Redevelopment Agency Commission, but a quorum was not achieved.

**Commissioner Antonini:***Re: Status of Planning Director Search*

- Will the special meeting to discuss the director include discussion on the three options Commissioner Lee mentioned?
- Would it be a public hearing or a closed session meeting?

**Commissioner W. Lee:***Re: Status of Planning Director Search*

- He feels that it would be a two-part meeting; one to discuss the present Director's position and the second part could be to look at other applicants.
- His main concern right now is that the longer this is delayed, the more dysfunctional the Planning Department is as well as their relationship with the Department of Building Inspection.

**Commissioner Antonini:***Re: Status of Planning Director Search*

- He would be supportive of a discussion.

**Commissioner Bradford Bell:***Re: Status of Planning Director Search*

- She wants to be clear on this issue since there is already scheduled a closed session meeting on October 7 to discuss resumes.

- There is a need for a consensus among the Commission to discuss the position of the current Director.

**Commissioner S. Lee:***Re: Status of Planning Director Search*

- She feels that the discussion of the current Director is important but next week does not work for her.
- The Commission has not taken the step to advertise for the position of Director.

**Commissioner Olague:***Re: Status of Planning Director Search*

- She would be interested in seeing a search that would be initiated by the Commission.

**Commissioner Hughes:***Re: Status of Planning Director Search*

- He feels that an executive session is appropriate.
- The only question is when should that happen in order to have a quorum.

**Commissioner W. Lee:***Re: Status of Planning Director Search*

- He feels the frustration that the public and staff are feeling. The longer the Commission waits, the less manageable staff will be.
- In the next two weeks a decision needs to be made. That is what he wants to see happen.

**Commissioner Bradford Bell:***Re: Status of Planning Director Search*

- What she is understanding is just to add an item for discussion and not an item for a vote on the current Director at the October 7, 2004 closed session hearing.

**Commissioner W. Lee:***Re: Status of Planning Director Search*

- If the City Attorney states that a vote can be made than he would like to vote.

**Commissioner Hughes:***Re: Status of Planning Director Search*

- His thought is to have a discussion and if possible a vote.

**Commissioner Antonini:***Re: Status of Planning Director Search*

- He agrees with Commissioner Hughes.
- Allowing a discussion with a possible vote on the options that Commissioner Lee mentioned would allow the public to get some sort of direction.

**Commissioner Bradford Bell:***Re: Status of Planning Director Search*

- She hears consensus that this item should be scheduled for October 7 during closed session: discussion and possible action on the current director and a discussion on the resumes they have received.

**Commissioner W. Lee:***Re: Status of Planning Director Search*

- He thanked everyone for their support and understanding the importance of this issue.

**Commissioner Antonini:***Re: Status of Planning Director Search*

- The start time for the closed session will be 12:00 noon?

**Commissioner Secretary responded:**

Yes, although the start time for the regular hearing will possibly be changed – perhaps 2:00 or 2:30 p.m., etc.

**Commissioner S. Lee:***Re: Status of Planning Director Search*

- If there is a possible action on the director then there should be an action on the resumes.

**Commissioner Bradford Bell:***Re: Status of Planning Director Search*

- The resumes can be talked about but if there is a discussion about the process then that needs to be talked about at a public session.

**Commissioner Olague:***Re: Status of Planning Director Search*

- In the future when there is a discussion on the [current] Planning Director, the decision should be apparent before resumes are collected because the process has been excruciating for everyone.

*Re: Various Issues before the Board of Supervisors*

- It would be helpful if Jean Paul Samaha would provide weekly reports to the Commission.

*Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- She feels that this item came before the Commission very late at last week's hearing.
- She looked again at the report. She felt that there were certain aspects of the project that she read later that probably could have influenced her vote. The late hour made it difficult to make a fair decision.
- She is not aware if this could be revisited.

**Commissioner Sue Lee:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- She asked Commissioner Olague if she is requesting to bring this item back.

**Commissioner Olague:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- She is requesting to bring this item back and has spoken to the City Attorney on this.

**Commissioner Sue Lee:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- Just to clarify, when a decision has been made by the Commission, there is no mechanism to revisit or rescind their vote.

**Commission Secretary responded:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- There is a mechanism for the Commission to rescind their action. But once the action has been taken and more than a meeting has passed, there is no mechanism the Commission could use to rescind their action.

**Deputy City Attorney, Susan Cleveland-Knowles responded:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- Similar to 170 St. Germain, if the building permit has not been sent back to the Department of Building Inspection, then the Planning Department or the Planning Commission would still have jurisdiction on the project.
- For 170 St. Germain, there were extreme circumstances.

**Commissioner Antonini:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- He agrees that an item like this was heard too late in the evening.
- Can the people involved in this case go to the permit appeals?

**Zoning Administrator Responded:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- The building permit can be appealed by either party or any party.

**Commissioner Olague:***Re: 755 22<sup>nd</sup> Avenue (Discretionary Review)*

- She finds sometimes that in the staff report there is a lack of reference to the Residential Design Guidelines. She finds herself going back and checking the guidelines herself.

**Commissioner Bradford Bell:***Re: Status of Planning Director Search*

- She did write the letter to Mayor Newsom.
- Her point on this matter is "crystal clear."
- She agrees with moving forward and having a session on October 7.
- She is reluctant to allow this Commission to be held "hostage" by an old process. This is an independent body elected half and half by the Board of Supervisors and the Mayor. When one has the ability to bear pressure on this Commission to force their particular agenda is extremely unhealthy.
- On October 7, there will be some resolution.

**C. DIRECTOR'S REPORT****8. Director's Announcements***Re: Items Previously Requested by the Commission*

- September 2, Commissioner William Lee requested dates of projects in the Mayor's long-term environmental reports. The Director submitted in Commissioner's packets a chart of all the major long-range projects and the expected benchmarks for these projects.

*Re: Three priorities over the next few weeks*

- Housing Element – This is a very important document to the Commission and to the residents of San Francisco. There are major steps ahead to be taken. All Commissioners have received a letter from the Department of Housing and Community Development of the State of California where they raise some comments about the element. He, the City Attorney and Mayor's Office will be working very hard to deal with the issues raised.

- Eastern Neighborhoods – One October 28, the Commission will be conducting a hearing specifically on the Mission District. He will be sitting down with community groups within the Mission to discuss issues and work up to a larger meeting. There will be other meetings with Showplace Square and SOMA.

- Department's Functionality – There is a priority to discuss the re-structurization of the department. There are operating implications that have occurred because of the budget. There are extreme back logs that need to be addressed. He will be focusing on this as well.

*Re: Jean-Paul Samaha's presence*

- He is usually here to discuss items related to the Commission and the Board of Supervisors. He is not here today because of other responsibilities.
- The Commissioners should ask him whenever they have concerns or if there are any questions related to issues or policies.

*Re: Status of Planning Director Search*

- He asked that the Commission be professional and fair when discussing this issue.

**Commissioner Antonini:**

- He has a question on the Housing Element being in compliance with the State. Is staff taking steps to do that?

**Director Green Responded:**

- The State reviews every housing element, sets goals and implements the State's provisions in regards to what goals and what forecasts should be in the document.
- The goal is to demonstrate that the document that the Commission adopted is in substantial compliance with State requirements.

**Commissioner Antonini:**

- Is there another deadline for the Housing Element and when should this process begin?

**Director Green Responded:**

- Staff has not begun the new housing element that has a deadline of 2007 for final adoption and final opinions from the State.
- The focus right now is on getting this document completed.

**Commissioner Antonini:**

- He would like to be informed on any compromises or meetings with relation to the Eastern Neighborhoods.

**Director Green Responded:**

- The plan is to have a large meeting in the Mission District.
- It is important to obtain everyone's comments and for staff to provide this information to the Commission.

**Commissioner Antonini:**

- The restructuring of the department will be planned soon. He would like to know when this will be presented.

**Director Green Responded:**

- He would prefer to present this information when there is a full Commission.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS –**

**Rules Committee***Re: Confirmation Process*

- The Rules Committee has taken up the confirmation process. The full board will consider the Rules Committee recommendations this coming Tuesday.

**Full Board:***Re: 3150 18<sup>th</sup> Street*

- The Full Board upheld the decision of the Commission.

**BOA – None**

10. (G. GREEN/L. BADINER: (415) 558-6411)

Report on SRO Policies

Director Green and Dan Sider gave a presentation on this issue.

SPEAKER(S):

**Sue Hestor**

- About 10 years ago there were issues about the history of the south of market plan revolving around live/work. There was a big box of files. These files should be found.
- Other cities have developed a new type of SROs.
- The rules currently usually apply to rehab.
- The Commission needs more information on this.
- There should be a generic understanding as well.

**Charles Bredinger**

- There have not been that many SRO projects recently even though there has been an incentive in the Planning Code.
- There are a lot of SROs being built in San Diego, Phoenix, and Las Vegas.

**Alice Barkley**

- She feels the confusion is that the previous SRO connotation is different from residential hotel.
- These are in high-density neighborhoods.

- All of the new SRO buildings will have elevators, be handicap adaptable, etc.

ACTION: None. Informational Presentation Only.

#### D. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

11. 2003.0877Q (M. WOODS: (415) 558-6315)  
1843, 1845, 1847, 1849, 1851 and 1853 FILBERT STREET - south side between Laguna and Octavia Streets, Lot 26 in Assessor's Block 0530, six unit **residential condominium conversion** in an RH-2 (Residential, Two-Family) District and a 40-X Height and Bulk District. The proposal is to change the existing building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval of condominium conversion subdivision application.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Hughes and Olague

MOTION: 16860

#### E. REGULAR CALENDAR

12. (P. LORD: (415) 558-6311)

ARTS ELEMENT - Informational staff presentation on the Arts Element of the General Plan. Staff briefing on the history and policy goals contained in the Arts Element. Richard Newirth, Director of the San Francisco Arts Commission will participate

in the presentation with comments on the efficacy and implementation of this element of the General Plan since its adoption in 1990.

Preliminary Recommendation: No Action

**SPEAKER(S):**

**(+) Rich Neworth – Director of the Arts Commission**

- In the Charter, the President of the Planning Commission is an exoficio of the Arts Commission.

- He gave a general description on the functions of the Art Commission, its history and future plans to work together on projects with the Planning Commission.

**(+) Catherine DyHap – Program Director for the Art House Program**

- She works between artists and real estate.

- Their goal is to secure spaces through rental or ownership for artists.

- Artists are a lot like real estate people since they take risks.

- Currently, there are a lot of cutbacks. There are also a lot of spaces.

**(+) Andrew Woods – Director of the San Francisco International Arts Festival**

- It is important to get funding for the arts.

- A task force should be created to look at various aspects of artists and their needs.

ACTION: None. Informational Presentation Only.

13.

2004.0602D (G. CABREROS: (415) 558-6169)  
1923 WEBSTER STREET - west side between California and Pine Streets, Lot 005 in Assessor's Block 0653 - **Request for Discretionary Review** of Building Permit Application No. 2004.03.01.7434, proposing to raise the existing building two feet to accommodate a new garage in the ground floor and to construct a rear horizontal addition to the existing one-story-over-basement, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

**SPEAKER(S):**

**(-) Andre Barker – Discretionary Review Requestor**

- He largely approves of the proposed project.

- He displayed photographs of the roofs of the adjacent homes.

- All he is asking for is a flat roof.

- He has been renovating his house for many years.

**(+) Alice Barkley**

- She displayed a site plan to show the shaded area that is the addition.

- If she takes off another four feet, there will not be the possibility for a three-bedroom house.

- Although the DR requestor is talking about his lovely home, the home includes a unit with a short-term rental.

- This is a very simple case.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

14.

2004.0598D (G. CABREROS: (415) 558-6169)  
2740-2742 FILBERT STREET - north side between Broderick and Baker Streets, Lot 010 in Assessor's Block 0942 - **Request for Discretionary Review** of Building Permit Application No. 2004.04.08.0828, proposing to convert the existing attic into habitable space and to construct a rear horizontal addition to the existing four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

**SPEAKER(S):**

**(-) Lock Holmes – Representing Discretionary Review Requestor**

- One of the concerns is that this project is too large.
- The mid-block open space is not respected.
- The proposed project would cut into the rear yard quite a bit.
- There is no basis for an exception.

**(-) David Thompson – Discretionary Review Requestor**

- The owners on this street feel that the project as presented is not adequate.
- Parking is also an issue with this project.
- It is important to analyze the regulations.

**(-) Welton Rotz**

- The developer has been speaking for about a year.
- They found out that it is not permissible to build a "bump out."
- They would accept a 12-foot bump out with a 5-foot set back on each side.

**(-) Bill Higgins**

- The code only allows a 12-foot pop out and the project sponsor wants to build an 18-foot pop out.
- He displayed diagrams to show the extent of the pop out.

**(-) Barry Bone**

- He has lived on Filbert for 30 years.
- He has parked on the street all that time.
- When he was shown the plans, he was concerned about the parking in the neighborhood.
- Neighbors will be circling the block endlessly looking for parking.

**(+) Joe Sherer - Builder**

- He believes that they have followed the rules.
- The project will be within the 40-foot height allowed.
- Parking will be for two cars.
- He would welcome the ability to widen the garage door.

**(+) Mary Grudnowski – Project Sponsor**

- This has always been a building that has two addresses even though there has always been one owner.
- Through the course of the year, her representative has met with the neighbors to discuss thoroughly the project.

**(+) Jeremy Nelsen – Transportation for a Livable City**

- There will be two units with two independently parking spaces.
- The project sponsor can cancel the parking for the other unit and therefore the parking would not be impacted.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Olague, W. Lee

NAYES: Hughes and S. Lee

15. 2004.0399DD (G. CABREROS: (415) 558-6169)  
2121-2123 LEAVENWORTH STREET - west side between Greenwich and Filbert Streets, Lot 002 in Assessor's Block 0094 - Requests for Discretionary Review of Building Permit Application No. 2003.08.28.3345, proposing to construct a new fifth floor and a side horizontal addition to the existing four-story, two-unit building in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Continued from Regular Meeting of June 24, 2004)

## SPEAKER(S):

**(-) John Henry Coba**

- He would like a continuance because they are close to a settlement.
- He would just like to pick a date that will be good for everyone.

**(-) Susan Dumont**

- She agrees to the continuance as well.
- But unless there is really going to be some movement, she would rather go ahead today.

**(+) Alice Barkley**

- She did not receive certain information.
- She now understands the concerns that she just found out about today.
- She is prepared to go forward if the Commission wants to listen to the project today.

ACTION: Without hearing, item continued to October 28, 2004

AYES: Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RECUSED: Antonini

16. 2004.0635D (M. SNYDER: (415) 575-6891)  
3150 18<sup>TH</sup> STREET (aka 470 TREAT AVENUE) - northwest corner of 18th Street and Treat Avenue, Lots 2 and 12 in Assessor's Block 3573 - **Mandatory Discretionary Review** under the Eastern Neighborhoods Interim Policies (Planning Commission Resolution No. 16727) of Building Permit Application No. 2004.05.21.4487 and Demolition Permit Nos. 2004.05.21.4485 and 2004.05.21.4484 proposing to demolish existing light-industrial structures and to construct a new structure that would contain approximately 260 units of rental workshops for arts activities, light manufacturing, repair and small business service uses, approximately 54 off-street parking spaces, a caretaker's unit, and a small café, in an M-1 District, a 50-X Height and Bulk District, and within a Core PDR Zone as designated in the Eastern Neighborhood Interim Policies.  
Preliminary Recommendation: Take Discretionary Review and approve the project with conditions.

(Continued from Regular Meeting of September 2, 2004)

## SPEAKER(S):

**(+) Steve Vettel – Morrison and Forrester**

- This project's Negative Declaration was before the Planning Commission in June of 2004 and the Commission unanimously upheld it.
- The Board of Supervisors upheld the Commission's decision on this project.
- This project does comply with the core PDR policies.
- These are some light industrial artist's spaces.
- They have adequate parking and amenities.
- He recommends that the Commission do not take Discretionary Review unless it's to specify that these spaces will not be used as offices.

**(-) Jillien Doroan**

- She is an artist.
- She has worked for many years to promote art space.
- She supports arts development in San Francisco.
- The proposed project as currently designed does not contribute to the neighborhood and is not responsible development.
- There are numerous non-cost productive ways to improve the design.

**(+/-) Kellie Seringer**

- This is a good project concept yet it does not respond to the context of the neighborhood.

- The building resembles a penitentiary. It just looks like a box on a lot.

**(-) Heidi Sokolowsky**

- She is a designer and an architect.

- The project does not really respond to the street.

- They welcome the use but are concerned about the massing.

**(-) Ian Green**

- This building does not speak to the Arts Component because there are no controls on how much these spaces will rent for.

- He has a real concern about the scale, the massing and the lack of articulation in this building.

**(-) Ron Slayen**

- His job causes him to make a lot of noise.

- He knows that the noise the project will render will not bother him or the neighbors.

- He is concerned about the size and massing of the project.

- The exterior of this project should be changed.

**(+/-) Kathleen Diop**

- The units of this project are very small.

- There are about 700 people looking for work space to rent.

- They are moving towards an agreement to get some kind of structure that will build in some affordability program.

**(+) Jonathan Beery**

- He lives in Berkeley.

- He has had a very good experience with Active Space.

**(+) Lisa Roberson**

- She supports this project.

- This project will allow people to have work spaces.

- She hopes that she will be moving back to San Francisco soon.

**(+/-) Oscar Grande - MAC**

- They have met with the developer many times.

- They are concerned about the retention of PDR. This is not a perfect project but it's on its way to being a perfect project.

- They are concerned that the Latino Immigrant Community will have limited access to the units.

- What this building provides, the community can use.

**(+) Mike Sagalovitch**

- He is glad that MAC has concerns that this is not PDR.

- He is concerned about the size and mass of the building.

- There is also no ventilation in the building and this is very important.

**(+) Richard Stacey**

- He spoke about the architectural aspects of the project.

**(+) Jeremy Nelson – Transportation for a Livable City**

- The project sponsor provided a transportation study. This should be required by all projects.

- They like the fact that there are bike spaces.

- The parking is upgraded and interior. There is no row of parking slots in the front.

- There should be a stronger pedestrian realm.

**(+) Gary Romain – Project Sponsor**

- This project provides an opportunity to accommodate different uses over different times.

ACTION: Took Discretionary Review and approve the project with the following recommendations: adopt design changes for the Treat Avenue facade that were presented by staff. Require a Notice of Special Restriction be recorded against the property indicating that office and residential uses (except for a care taker's unit) not be permitted as part of the project.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

17. 2004.0360DD (R. CRAWFORD: (415) 558-6358)  
1422 45<sup>TH</sup> AVENUE - East side between Judah and Kirkham Streets. Assessor's Block 1807 Lot 026 - **Request for Discretionary Review** of Building Permit Application No. 2004.02.04.5540, to construct horizontal and vertical additions to the existing one family dwelling including new second and third floors in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications

(Continued from Regular Meeting of June 24, 2004)

NOTE: On June 24, 2004, the Commission stated that the top story was unacceptable and directed the sponsor to explore options that would eliminate the top floor and find another location for the displaced floor area. The matter was continued to September 23, 2004 by a vote +5 -0.

SPEAKER(S):

(+) Dennis Bud

- He is available for questions.

ACTION: Took Discretionary Review and approved the project with modifications submitted to the Department on drawings dated September 17, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Hughes and Olague

18. 2004.0285D (G. NELSON (415) 558-6257)  
646 30<sup>TH</sup> AVENUE - east side between Anza and Balboa Streets; lot 016E in Assessor's Block 1572 - **Request for Discretionary Review** of Building Permit Application No. 2002.12.09.3124, proposing to alter a single-family dwelling by adding an approximately 30 foot deep, two-story addition to the rear of a three-story, single-family dwelling, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Madeline E. Otsea – Discretionary Review Requestor

- She and her husband purchased their property in 1959.

- The extension is out of scale, will be a visual barrier, changes the character of the neighborhood and is a clear violation of the Residential Design Guidelines.

- She recommends that the Commission direct staff to continue to work with the Project Sponsor and neighbors to come up with a design that is in compliance with the Residential Design Guidelines.

(-) Peter Winklestein – PAR

- The Richmond has wonderful mid-block open spaces. These projects intrude in a way that changes the character.

(-) Claire Alexander

- One of the things that drew them to live in the Richmond was the wonderful open space.

- The addition has the potential to impact future buildings.

- The open space should be preserved.

- A compromise plan should reduce the floors from two to one.

(-) Jim Alexander

- He just saw the plans that were dated June of this year.

- It appears that the owner is willing to change design and he would like to continue working with him to come up with a better plan.

- He opposes the plan as currently submitted.

(+) Richard Ngo – Project Sponsor

- They applied for this project in 2002.
- None of the neighbors came to him to discuss the project.
- He has complied completely with all the requests from the Planning Department.
- He asked that the Commission not take Discretionary Review.

ACTION: Took Discretionary Review and Disapprove Project for the following reasons:

- The Commission found that the existing pattern of mid-block open space on this block was unique within the Richmond District and merited preservation under the Residential Design guidelines. The Commission further found that the proposed addition would cause a significant negative impact to the mid-block open space.
- The Commission found that the proposed addition was inefficient in its layout by creating a large (550 square foot) unprogrammed and unoccupied 'storage' space on the ground floor and only a 240 square foot 'family room' on the second floor.

AYES: Bradford Bell, Hughes, S. Lee, W. Lee, Olague

ABSENT: Antonini

19. 2004.0387D (M. SMITH: (415) 558-6322)  
266 MAGELLAN AVENUE: east side between Sola and Pacheco Avenues, Lot 014 in Assessor's Block 2863 - Request for Discretionary Review of Building Permit Application No. 2003.09.09.4302, proposing to construct a full floor one-story vertical addition on a single-family dwelling, located in a RH-1(D) [Residential, House, One-Family (Detached)] District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and approve the Project

SPEAKER(S):

(-) James Finnegan – Discretionary Review Requestor

- He lives adjacent to the subject property.
- If the vertical addition is allowed he will loose sunlight in various rooms of his house.
- It will cast morning shadows on his gardens and shadows to the east side yard.
- The deck will affect his privacy.
- He would like a setback of six feet.
- Forest Hill is a historic area. A lot more can be done to bring the proposal more in conforming with neighborhood character.

(-) Joseph Barbaccia

- He has lived behind the subject property for about 35 years.
- He loves living in the Forest Hill area.
- There are still issues that need to be dealt with.
- Because 266 Magellan was built low, decreasing the available light on the east side, the house would loose intrinsic value and cast shadows.
- The Commission should take this into consideration when they come to a decision.

(-) Jacqueline Apple

- She lives on Magellan, almost directly in front of subject property.
- The Pacheco steps are known to be one of the most beautiful architectural steps in San Francisco.
- There are two homes on the block that are from the 1950s.
- The subject property is a two-story home and once it goes to three floors it will become an exceptional presence.
- It is sad that they have to come here and not be able to work things out on our own.
- Her biggest concern is that the proposed project will not be in character with the neighborhood.

(-) Timothy Murphy

- He and his wife have been living in the neighborhood for about 29 years.

- The architectural issue is the main issue for him as well.

- The project is out of conformity and out of character.

- A two-car garage is not an acceptable style for this neighborhood.

**(-) Harold Wright – Chairman of the Architectural Review of Forrest Hill**

- He recalls that the first set of plans were designed by an engineer and they were awful.

- He suggested that the project sponsor hire an architect.

- He had to make some suggestions even though he is not an architect but an engineer.

- One of his suggestions was to take the suggestions from the neighborhood.

- The new plans show some improvements but he knows that there could be more.

**(+) Linda Wong – Project Sponsor**

- Her home is a single story. She wants to build another story because her family is getting larger.

- She was told that she could not build another story because the adjacent homes would lose value.

- After the extra floor is built, it will still be lower than the neighbors.

- She has various signatures of neighbors who are in support of her project.

**(+) Andy Forrest – Project Designer**

- He was brought into the project in mid May.

- He has lived in Forrest Hill for about 10 years and is aware of all the different styles of homes in the neighborhood.

- He is an engineer but has an architect in his office.

- He has been designing homes for about 25 years.

- There are 16 people who have looked at the plans and do not oppose it.

**(+) Grace Shanahan**

- The square footage of the house is not that big compared to the rest of the homes in the neighborhood.

- She does not understand how the Discretionary Review requestor has a problem with the sunlight since it will not impact him.

- She encouraged the Commission to approve the project and create a home for the project sponsor.

**ACTION:** Took Discretionary Review and approved the project with the following modifications:

1. Reduce full bath at the ground floor to a half bath.

2. Windows must be wood with a minimum three-inch reveal.

3. Incorporate a three-foot side setback from the west side property line for the addition where feasible (not to include the interior stairs or rear bedroom).

4. Reduce the size of the second floor rear deck to the minimum required for a landing.

5. Set the addition back five feet from the front building wall creating a roof deck with a loggia or trellis overhang.

**AYES:** Antonini, Bradford Bell, Hughes, W. Lee

**NAYES:** Olague

**EXCUSED:** S. Lee

20. 2004.0569D (D. DiBARTOLO: (415) 558-6291)

73-75 LUPINE AVENUE - east side between Euclid Avenue and Wood Street: Lot 005 in Assessor's Block 1057 - Request for Discretionary Review of Building Permit Application No. 2003.10.22.8304, proposing to construct a vertical addition and add one residential unit at the existing one-story over garage two-unit structure. The project adds two partial floors, increasing the overall building height from 20 feet to 40 feet and

converts the building from two to three units within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take D R and approve the project.

**SPEAKER(S):**

**(-) Eleanor Achuck – Discretionary Review Requestor**

- She and her husband purchased the property in 1978.
- They are not developers; just regular people who wanted to have something for their retirement.
- They have five units and the rent has decreased.
- It takes them five months to re-rent units that become vacant.
- They agree that the project sponsor can build the third floor. But is the mezzanine above the third floor necessary? This would be a luxury addition and could be deleted.
- She just asks the Commission to consider their hardship.

**(-) Edward Achuck**

- He is the son of the Discretionary Review requestor.
- There are several buildings that are tall. But everything is two stories above a garage.
- The small mezzanine is totally out of character. He is fearful that if approved, it will set a precedent.

**(-) Timothy Chuck**

- He and his wife purchased a building in the neighborhood about 23 years ago.
- Value decreases because of the decrease in sunlight and view blockages.
- This project will decrease the value of properties in the area.
- This will affect their retirement plan and their livelihood.
- He is mostly opposed to the top mezzanine.

**(+) Greg Kirkland – Project Sponsor**

- He and his wife purchased this property a few years ago. They felt they were the luckiest people in San Francisco. They love their home and love their neighborhood.
- Their family is growing now so they want to expand their property.
- Before he did anything, he spoke to his neighbors so they could discuss issues on the project.
- He then went to the neighborhood design organization to discuss issues as well.
- He believes that the non-conformity issue is without merit.

**(+) Kenneth Rua**

- He is not opposed to the project.
- There is no merit to the Discretionary Review.
- If there were any issues to take Discretionary Review over it should come from the neighbor to the north because it would create shadows that would impact them.
- The project sponsor is an owner occupied tenant.

**(+) Kay Chang**

- She is Mr. Kirkland's neighbor to the left and to the right.
- She asks the Commission to approve the plans. The project sponsor has gone beyond the call of duty to discuss the project with all the neighbors and is concerned with the entire neighborhood.
- This project will enhance the neighborhood.

ACTION: Did not take Discretionary Review and approved the project

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

21. 2004.0198C (D. DIBARTOLO: (415) 558-6291)  
527 BALBOA STREET - south side between 6th and 7th Avenues; Lot 032 in Assessor's Block 1638 - **Request for Conditional Use Authorization** under Planning Code Section 161(j) to add one dwelling unit to a commercial building without providing an off-street parking space. The proposal is to convert a vacant commercial space to a residential unit at the second floor of the existing two-story commercial structure, without providing

one off-street parking space as required under Section 151 of the Planning Code, in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Van Lee – Project Architect

- She is available for questions.

(+) Jeremy Nelson

- A similar project was approved before.

- The Geary corridor will be improving.

- There is very good transit in the area.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olauge

ABSENT: W. Lee

MOTION: 16861

22. 2003.1110T (C. NIKITAS:(415) 558-6306)

**REQUIRED SECOND MEANS OF EGRESS** - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress **Adoption of an ordinance amending the San Francisco Planning Code** by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.

Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.

(Continued from Regular Meeting of July 15, 2004)

SPEAKER(S): None

ACTION: without hearing, item continued to November 4, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olauge

23. 2004.0231EZ (W. HASTIE: (415) 558-6381)

**SECOND STREET AND SOUTH PARK** - **Consideration of a Board of Supervisors Ordinance amending Zoning Map** Section 1H of the City and County of San Francisco to increase the Height from 40-X to 65-X for two parcels described as Assessor's Block 3775, Lots 007 & 008, between South Park and Brannan Street along Second Street.

Preliminary Recommendation: Approval

SPEAKER(S):

(+) Jerod Igerman – Representing Project Sponsor

- He is available for questions.

(+) Jeffrey Liebovitz

- He lives on South Park.

- He supports this project. It will enhance 2<sup>nd</sup> Street and preserve its history.

- He hopes that the Commission will approve this project.

(+/-) Jeremy Nelson

- This project is allowed by right.

- It is close to public transportation.

- The demographics that the project is in are great.

- He hopes that the Commission will consider the 1 to 1 parking.

**(+) Scott Polechoff**

- He has been a resident of South Park for about 12 years.
- The area has gone through two economic cycles.
- The area where this project will be located is a dark corner. This will enhance the neighborhood.

AYES: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16862

24a. 2003.1086CV

(W. HASTIE: (415) 558-6381)

1 SOUTH PARK - south corner of 2nd Street and South Park; Assessor's Block 3775, Lot 7 - **Request for Conditional Use Authorization** to convert an historic industrial building into 35 dwelling units, per Section 818.14 of the Planning Code. The property is located within an SSO (Service/Secondary Office) District with a 40-X Height and Bulk limit, and is a contributory building within the South End Historic District. The Zoning Administrator will hear a related rear yard modification request.

Preliminary Recommendation: Approve with conditions

SPEAKER(S): Same as those listed for item 23.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16863

24b. 2003.1086CV

(W. HASTIE: (415) 558-6381)

1 SOUTH PARK - south corner of 2nd Street and South Park; Assessor's Block 3775, Lot 7 - **Request for Rear Yard Modification**, pursuant to Code Sections 134(e) and 307(g), for an exception to the rear yard requirement for the proposed dwelling units because the existing building has full lot coverage. The proposed project is the subject of a Conditional Use hearing as described above. The property is located within an SSO (Service/Secondary Office) District with a 40-X Height and Bulk limit, and is a contributory building within the South End Historic District.

SPEAKER(S): Same as those listed for item 23.

ACTION: Zoning Administrator closed the Public Hearing and granted the rear yard modification.

25. 2004.0370C

(G. NELSON: (415) 558-6257)

3640 BALBOA STREET - north side between 37th and 38th Avenues; Lot 005F in Assessor's Block 1580 - **Request for Conditional Use authorization** pursuant to Section 161(j) of the Planning Code to allow the construction of two dwelling units without off-street parking. The proposal is to enlarge a mezzanine story within an existing 20-foot tall commercial structure and to add two additional floors to the building, resulting in an approximately 40-foot tall, four-story building. The two top floors will each contain a dwelling unit. The reconfigured second floor will contain residential space ancillary to a dwelling unit above, and commercial/storage space associated with the restaurant below (considered a Business or Professional Service use per Section 711.53 of the Code). The subject property is within an NC-2 (Small Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

(Continued from Regular Meeting of July 15, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 7, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

26. 2004.0251C (S. VELVE: (415) 558-6263)

2298 MARKET STREET - north side between Noe and Sanchez Streets, Lot 015 in Assessor's Block 3560 - Request for Conditional Use Authorization pursuant to Planning Code Section(s) 721.41 to establish a Bar; Section 721.48 to provide Other Entertainment; and Section 721.27 for Extended Hours at Cafe Flore. The project is within the Upper Market Neighborhood Commercial District and a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of July 22, 2004)

SPEAKER(S):

**(+) Mark Renne**

- He submitted a letter from Castro Area Planning Action who approved the project.
- The project sponsor has met with various neighbors and various neighborhood groups.
- He would have preferred longer hours of operation but is willing to accept the requirement so long as there is a review period.

**(+) Dennis Richards – Beaver Street Neighbors**

- They were very concerned with the request but after various conversations they agree with all the changes made to the project.

**(+) Greg Taylor**

- The cafe is a very incredible place to hang out.
- There will not be any wild parties at the cafe.
- This place will be a great place for people to have a conversation.

**(+) Michelle (last name unclear)**

- She hopes that the Commission will approve the project.
- This cafe is a great place to have a comfortable conversation.
- Tourism is a high priority in San Francisco.
- She hopes that the Commission will approve the project.

**(+) did not state name**

- He hopes that the Commission will approve this project.
- He feels that the project sponsor rushed to accept the requests from the neighbors.
- The cafe is a great place to have a place to hang out late at night.
- He would rather have the Commission approve an extra hour to serve liquor.
- Maybe sometime in the future the Commission will review this project and add extra hours.

**(+) Joseph (last name unclear)**

- He lives across the street from the cafe.
- He is a property consultant and a realtor.
- The cafe should be given the hours that they request to be open and serve liquor.
- The Castro has been a tourist and commercial area for 30 years.
- Businesses like the cafe should be supported.

**(+) Ron Libby**

- He has been going to the cafe for many years.
- He agrees with extending the hours of the cafe.
- This place is not a place to go and get wild.

ACTION: Approved with amendment to the findings: include a good neighbor policy and allow to come back to review hours to sell liquor.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee  
MOTION: 16864

27. 2004.0550C (D. SIROIS: (415) 558-6313)  
562 ARLINGTON STREET - north side between Roanoke & Natick, Lot 023, in Assessor's Block 6726 - Request for conditional use authorization under Planning Code Section 209.2(d) to establish an inn (bed and breakfast) use in an existing single-family house that would be owned, operated and occupied by the property owners. Three existing bedrooms in the property would be available for compensation to guests for short-term accommodation. No alteration to the building is proposed under this application. The subject property is located in an RH-2 (Residential House, Two-Family) District in a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Francisco Cameco

- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16865

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 9:20 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 17, 2005.

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 7, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,  
William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 4:40 p.m.

**STAFF IN ATTENDANCE:** Larry Badiner – Acting Director of Planning and Zoning Administrator; Paul Lord; Matthew Snyder; Geoffrey Nelson; Michael Li; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0182C (B. FU: (415) 558.6613)  
1135 EVANS AVENUE - southwest corner of Evans Avenue and Middle Point Road, Lot 014, Assessor's Block 4602A - **Request for Conditional Use** authorization under Planning Code Sections 711.83 and 790.80 to install a wireless telecommunications facility consisting of 3 panel antennas on an existing 69-foot lattice tower and related equipment on the ground as part of Sprint PCS's wireless telecommunications network on a Location Preference 2 (Preferred Location – Co-Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
**(Proposed for Continuance to October 14, 2004)**

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to October 14, 2004.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2. 2004.0585D (R. CRAWFORD: (415) 558-6358)  
20 CRAGMONT AVENUE - northeast side between 12th Avenue and Oriole Way. Assessor's Block 2123B Lot 001G - **Request for Discretionary Review** of Building Permit Application No. 2004 0407 0748, construct a new three story single family dwelling on a vacant lot in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and Modify the Project.  
**(Proposed for Continuance to October 14, 2004)**
- SPEAKER(S): None  
ACTION: Without hearing, item continued to October 14, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
3. 2004.0757D (T. TAM: (415) 558-6325)  
707 HURON AVENUE - southeast side between Whipple and Farragut Streets, Lot 44 in Assessor's Block 7100 - **Request for Discretionary Review** for Building Permit Application No. 2004.01.30.5277S, to construct a new two-story rear horizontal extension to an existing two-story, single-family dwelling. The project also proposes converting the existing storage space on the ground floor into habitable area. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.  
**(Proposed for Continuance to October 14, 2004)**
- SPEAKER(S): None  
ACTION: Without hearing, item continued to October 14, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
4. 2004.0760DDDD (T. TAM: (415) 558-6325)  
4027-19TH STREET - south side between Noe and Hartford Streets, Lot 88 in Assessor's Block 3602 - **Request for Discretionary Review** for Building Permit Application No. 2003.05.20.5067S, to construct a two-story vertical addition to the existing one-story-over basement, two-unit dwelling. The project also proposes to convert the existing basement into habitable space and construct a new two-car garage. The property is located in the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.  
**(Proposed for Continuance to October 14, 2004) December 2, 2004**
- SPEAKER(S):  
**Sue Hestor**  
- There has to be an environmental review, the information has to be in the Commissioner's packets. October 14, 2004 is an unrealistic date.
- ACTION: Without hearing, item continued to December 2, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
5. 2004.0479D (T. WANG: (415) 558-6335)  
10 PORTOLA DRIVE - southwest side between Fenton and Golding Lanes; Lot 021 in Assessor's Block 2826 - **Request of Discretionary Review** of Building Permit Application No. 2004.02.06.7278, proposing to extend the existing second and third floors towards the rear of the lot and construct a fourth story vertical addition to an existing two-story over garage, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications  
**(Proposed for Continuance to October 14, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 14, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

6. 2004.0765D (D. SIDER: (415) 558-6697)  
3616 FOLSOM STREET - west side between Eugenia and Powhatan Avenues, Lot 004 in Assessor's Block 5651 - **Mandatory Discretionary Review** of Building Permit Application Number 2004.03.31.0043 proposing to (1) merge two legal dwelling units into a single dwelling unit and (2) construct additions to the side, rear, and roof of the existing building. Planning Commission Resolution Number 16053 requires a Discretionary Review hearing for all projects, which result in the removal of a legal dwelling unit. The property is located in an RH-1 (Residential, House, Single-Family) Zoning District, the Bernal Heights Special Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**(Proposed for Continuance to October 14, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 14, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

7. 2004.0837D (M. WOODS: (415) 558-6315)  
2405 OCTAVIA STREET - west side between Broadway and Pacific Avenue; Lot 5 in Assessor's Block 578 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2004.02.03.5401S, proposing to reduce the existing seven-unit building to a five-unit building in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

**(Proposed for Continuance to October 21, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

8. 2004.0666DD (S. SNYDER: (415) 558-6543)  
37 POWERS STREET - north side between Coleridge and Mission Streets; lot 6 in Assessor's Block 5518; **Neighbor-initiated Discretionary Review** of Building Permit Application No. 2004.04.05.0592, proposing to construct vertical and horizontal additions to a single-family dwelling in an RH-2 (House, Two-family) District and a 40-X Height and Bulk District, and the Bernal Heights Special Use District.  
Preliminary Recommendation: Pending

**(Proposed for Continuance to November 4, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 9a. 2001.0249CV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Conditional Use authorization** for a building exceeding 35 feet in height in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site. No parking would be provided. Both a parking and a rear yard/site coverage variance would be required and will be considered by the Zoning Administrator at the same hearing as the Conditional Use authorization. Required open space would be provided on a rooftop terrace.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 9, 2004)  
(Proposed for Continuance to November 18, 2004)
- SPEAKER(S): None  
ACTION: Without hearing, item continued to November 18, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
- 9b. 2001.0249CV (K. AMDUR: 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Variance for rear yard/site coverage and parking** for a building in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site, and no parking would be provided. Required open space would be provided on a rooftop terrace. Conditional use authorization is also required for a building in the CCB to exceed 35 feet in height.  
(Continued from Regular Meeting of September 9, 2004)  
(Proposed for Continuance to November 18, 2004)
- SPEAKER(S): None  
ACTION: Without hearing, item continued to November 18, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
10. 2004.0389D (J. PURVIS: (415) 558-6354)  
684 ARKANSAS STREET - west side between 20<sup>th</sup> and 22<sup>nd</sup> streets; Lot 016 in Assessor's Block 4098 - **Neighbor-initiated Discretionary Review** on the proposed conversion of a single-family dwelling to a two-family dwelling with vertical and horizontal extensions, under Building Permit Application No. 2003.05.22.5290. The site is in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Proposed for Continuance to November 18, 2004)
- SPEAKER(S): None  
ACTION: Without hearing, item continued to November 18, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
11. 2004.0472I (D. ARGUMEDO: (415) 558-6284)  
HASTINGS COLLEGE OF LAW - Notification by Zoning Administrator of filing of Hastings College of Law **Institutional Master Plan** per Planning Code Section 304.5 (d). The submitted institutional master plan details Hastings's current physical plant,

demographics, and outlines their 10-year development plan. This public hearing is for receipt of public testimony only, while receipt of this institutional master plan does not constitute acceptance, or approval, of any of the detailed proposed projects.  
**(Proposed for Continuance to November 18, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to November 18, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 12a. 2003.0253D (G. NELSON: (415) 558-6257)  
5126-5130 ANZA STREET - north side between 42nd and 43rd Avenues; Lot 016 in Assessor's Block 1502 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2001.03.07.3680 to demolish an existing two-story two-family dwelling (the project also proposes the construction of a new two-family dwelling) in an H-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending.

(Continued from Regular Meeting of August 5, 2004)

**(Proposed for Continuance to January 13, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 13, 2005.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 12b. 2004.0682D (G. NELSON: (415) 558-6257)  
5126-5130 ANZA STREET - north side between 42nd and 43rd Avenues; Lot 016 in Assessor's Block 1502. **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction to replace demolished housing, of Building Permit Application No. 2001.03.07.3684 for the new construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The proposed new building will contain two off-street parking spaces.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of August 5, 2004)

**(Proposed for Continuance to January 13, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 13, 2005.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

13. 2004.0737Z (P. LORD: (415) 558-6311)  
107 24<sup>TH</sup> AVENUE REZONING - Consideration of an Ordinance to amend the Planning Code by amending the Zoning Map of the City and county of San Francisco to change the use classification of the property located at 107 24<sup>th</sup> Avenue (Assessors Block 1334, Lot 1) from RH-1 (Low Density Residential) zoning to P (Public) and, making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

## 14. Consideration of Adoption – Draft Minutes of August 12, September 2 and 9, 2004.

Minutes of August 12, 2004

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell

Subcommittee Minutes of August 12, 2004

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

Minutes of September 2 and 9, 2004

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

## 15. Commission Comments/Questions

**Commissioner Hughes:***Re: August 12 Meeting – 170 St. Germain*

- The discussion centered on whether or not there was an accurate representation by the project sponsor's advocate or by the advocate for the Discretionary Review requestor as it related to the status of the building or compliance with DBI applicable codes. An assertion was made by the DR requestor's advocate that the project sponsor's representative misrepresented the condition of the building as it related to compliance with DBI and that the Commission possibly based its decision on this misrepresentation.
- He has had time to review the record more closely. This is a serious assertion and he would like to make sure that this was followed up on. In the event that that is not accurate since the record clearly states that there was no misrepresentation in the case, when Mr. Jeremy Paul stated that the building owner had taken a out a second permit related to interior finish, and that the building was not in violation as a result of this second permit. This was an accurate representation. He would like the record to show that Mr. Paul accurately presented the condition of the building at that time.

**C. DIRECTOR'S REPORT**

## 16. Director's Announcements

**None**17. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS**

- The Full Board actions for this past Tuesday:

- 1) The Board passed on first reading the ordinance to amend the Section 312. The Board took out all the amendments that the Commission had previous made. This ordinance reduces notification for certain changes of uses that do not involve new construction, demolition or exterior alterations to a building. The Commission's amendments to the ordinance was to restore to the full 30 day notification certain changes of uses that were considered to be 15 days.

- 2) The Board also approved an interim ordinance on the demolition of single and dual screen movie theaters for a period of 45 days. This ordinance was sponsored by Supervisor McGoldrick and co-sponsored by Alioto-Pier. This matter did not come before the Commission but it will appear on the agenda on November 21 when the Commission

reviews a permanent ordinance by Supervisor Peskin that amends the planning code that would require a conditional use for change of use or demolition of a movie theatre.

- 3) There was an introduction by Supervisor Maxwell of a resolution imposing for a 12 month period interim zoning controls for lower Potrero Hill and Showplace Square. The Commission is scheduled to consider the issue of land use controls for the Eastern Neighborhoods on October 28.
- 4) The appointments of the Mayor to the Planning Commission were continued and will be heard on October 19, 2004.

#### The Rules Committee

- Held a hearing on the powers of the Zoning Administrator.

#### Zoning Administrator commented:

- He gave a status report on 724 Van Ness Avenue.
- He recommended that there not be a hearing on this.
- He may not have handled his responses to the Commission as smoothly as he could have because he was perceived as "arrogant."
- The BOS wanted to have a hearing on the rules and powers of the Zoning Administrator.
- It is very important to try to keep the issues of the project separate.
- Ultimately, the item was continued.
- He has placed in the Commissioner's correspondence folder a copy of his decision for this particular project.

#### Commissioner S. Lee:

- She requested from Jean-Paul Samaha that he do a one page summation for the Commission when he obtains a copy of the interim zoning controls for Potrero Hill>Showplace Square that was introduced by Supervisor Maxwell.

### D. REGULAR CALENDAR

18. 2004.0762I (D. ARGUMEDO: (415) 558-6284)  
UNIVERSITY OF SAN FRANCISCO - Notification by Zoning Administrator of filing of 10 year **Institutional Master Plan** by the University of San Francisco and subsequent public hearing as per Planning Code section 304.5 (d). The purpose of this hearing is for the receipt of public testimony only and in no way constitutes an approval or disapproval of the Institutional Master Plan by the Planning Commission. The City requires each post-secondary and medical institution to submit, and have on file with the Planning Department, a current institutional master plan describing the existing and anticipated future development of that institution.
- SPEAKER(S): None  
ACTION: Without hearing, item continued to November 18, 2004.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague
19. 2004.0739T (P. LORD: (415) 558-6311)  
LANDMARKS PRESERVATION ADVISORY BOARD ADVICE - Consideration of an Ordinance amending Section 1009 and Section 356 of the Planning Code to provide that property owners may seek the written advice of the Landmarks Preservation Advisory Board as to whether proposed alterations to an historic property are consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Restructuring Historic Buildings, defining historic properties, providing that the Planning Department may charge any party

requesting the Advisory Board's advice for the Department's time and materials costs, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval

SPEAKER(S): None

ACTION: Approve as Amended:

1) Page 2 line 15 of the legislation reads: Guidelines for Preserving, Rehabilitation Restoring, and Reconstructing Historic Buildings, and shall may...

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16866

20. 2004.0370C (G. NELSON: (415) 558-6257)  
3640 BALBOA STREET - north side between 37th and 38th Avenues; Lot 005F in Assessor's Block 1580 - Request for Conditional Use authorization pursuant to Section 161(j) of the Planning Code to allow the construction of two dwelling units without off-street parking. The proposal is to alter a mezzanine story within an existing 20-foot tall commercial structure and to add two additional floors to the building, resulting in an approximately 40-foot tall, four-story building. The two top floors will each contain a dwelling unit. The reconfigured second floor contains storage space ancillary to the restaurant below (considered a Business or Professional Service use per Section 711.53 of the Code). The subject property is within an NC-2 (Small Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with conditions.  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S):

(+) Jeremy Nelson – Transportation for a Livable City

- They are in agreement with the parking requirements.

ACTION: Approved

AYES: Antonini and W. Lee

NAYES: Olague, Hughes, S. Lee

ABSENT: Bradford Bell

RESULT: Motion Failed

ACTION: Hearing Held. Motion to continued this item to October 28, 2004 in order to get more information about the effects on local businesses (specifically the Balboa Theater) and receive input from the owners of the Sugar Bowl Bakery regarding their displacement. Public Hearing Remains Open.

AYES: Antonini, S. Lee, W. Lee, Olague

NAYES: Hughes

ABSENT: Bradford Bell

21. 2002.0271L (M. SNYDER: (415) 575.6891)  
150 OTIS STREET - The Juvenile Court and Detention Home, north side between McCoppin Street and Duboce Avenue. Lot 7 in Assessor's Block 3513 - Request for the Planning Commission to adopt a Resolution approving the designation of the Juvenile Court and Detention Home as Landmark 248, and recommending to the Board of Supervisors that they approve the designation of the Juvenile Court and Detention Home as Landmark 248.

Preliminary Recommendation: Approval

**SPEAKER(S):****(+) Dave Curto – Director of Contracts - Department of Human Services**

- They are urging the Commission to continue this matter because they were not properly notified.
- In the resolution there seems to be some untrue statements.
- The building is going through a minor rehabilitation for use as a homeless shelter and an earthquake shelter.
- Declaring the building as a landmark goes against long range plans of various agencies.

**ACTION:** Hearing Held. Item Continued to November 4, 2004 in order to discuss future use of the building with the project sponsor. Public Comment is Closed.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 22a. 2002.1220E!KCV (M. Li: (415) 558-6396)  
999 GEARY STREET (AKA 990 POLK STREET) - southeast corner at Polk Street, Lots 006 and 007 in Assessor's Block 0716 - **Adopting CEQA findings** regarding a request to construct a nine-story, 84-foot-high building containing up to 110 dwelling units for low-income senior citizens within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 130-E Height and Bulk District. In response to the modified scope of the project, a memorandum dated May 12, 2004 was issued to revise the Final Mitigated Negative Declaration adopted on June 2, 2003.  
Preliminary Recommendation: Adopt the CEQA findings

**SPEAKER(S):****(+) Jeremy Nelson – Transportation for a Livable City**

They agree with the parking requirements imposed on this project.

**(+) Eliseo Adoro**

- He is concerned with the construction on the building because there is no alternate street to get to his shop.
- His business will be affected if there is no traffic access.

**(+) May Kam**

- She has a business next door.
- She is concerned that her building will not get enough light if this project is built.
- How will the partition wall be built?

**(+) Don Funk -**

- They will be able to target low-income residents.
- All of the units will have some type of direct sunlight.
- They are available to discuss the details of the project.

**(+) Joan McNamara – Project Manager of the Mayor's Office of Housing (MOH)**

- MOH is very supportive of this project.

**(+) Scott Conem**

- He is here to answer any questions.

**ACTION:** CEQA findings adopted

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

**MOTION:** 16867

- 22b. 2002.1220E!KCV (M. Li: (415) 558-6396)  
999 GEARY STREET (AKA 990 POLK STREET), - southeast corner at Polk Street, Lots 006 and 007 in Assessor's Block 0716 - **Request for conditional use authorization** to (1) construct a nine-story, 84-foot-high building containing up to 110 dwelling units for low-income senior citizens on a lot exceeding 9,999 square feet and (2) reduce the number of required residential parking spaces within an NC-3 (Moderate-Scale

Neighborhood Commercial) District and a 130-E Height and Bulk District. The project is proposing to provide 15 off-street parking spaces where 22 spaces are required.  
Preliminary Recommendation: Approve with conditions

SPEAKER(S): See Speakers for 22a.

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16868

22c. 2002.1220EIKCV (M. LI: (415) 558-6396)

999 GEARY STREET (AKA 990 POLK STREET) - southeast corner at Polk Street, Lots 006 and 007 in Assessor's Block 0716 - **Rear yard modification and dwelling unit exposure variance sought.** The proposed project is the construction of a nine-story, 84-foot-high building containing up to 110 dwelling units for low-income senior citizens within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 130-E Height and Bulk District. The project will not provide a Code-complying rear yard, and a total of seven dwelling units on the second and third floors will not provide the required exposure. The rear yard modification and dwelling unit exposure variance will be considered by the Zoning Administrator.

SPEAKER(S): Same as those listed for item 22a.

ACTION: Zoning Administrator closed the public hearing and granted the rear yard modification and dwelling unit exposure variance.

23. 2004.0267C (G. NELSON (415) 558-6257)

3231-3237 PIERCE STREET - west side between Chestnut and Lombard Streets; Lots 005 and 006 in Assessor's Block 0489 - **Request for Conditional Use** authorization pursuant to Sections 145.2, 711.24, and 303 of the Planning Code to allow an outdoor activity area at the rear of two adjoining lots as part of a proposal to create a retail nursery (considered "Other Retail Sales and Services" per Sec. 790.102 of the Code) on the property. The proposal is also to demolish an existing single-story commercial structure at the front of LOT 005 and a garage structure at the rear of lot 005 and construct a commercial structure on lot 005. The outdoor nursery area would occupy the rear yards of both Lot 005 and 006. If approved, the proposed business (Sloat Garden Center) would have 11 retail stores (in the greater Bay area) and would then be considered a formula retail business per sections 703.3 and 711.40 of the Code.

Preliminary Recommendation: Approval with Conditions.

(Continued from Regular Meeting of September 2, 2004)

SPEAKER(S):

(+) Ted Warshaw – Project Sponsor

- This project will have low impact on their neighbors.
- Removing the existing structure will add light and air.

(+) Mr. Warshaw

- His grandfather purchased the property.
- An outdoor garden area will be less intrusive.
- They are fine with cutting the trees

(+) Bryan Silverman – Project Architect

- They have complied with all the regulations.

ACTION: Approved instructing that the project sponsor shall apply for appropriate loading and/or green zones and diligently pursue those applications.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

MOTION: 16869

- 24a. 2003.0462D (G. NELSON (415) 558-6257)  
261 26th AVENUE - west side between Lake and California Streets; lot 011 in Assessor's Block 1386 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.01.10.4988, proposing to demolish a two-story single-family home in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKER(S):

(+) **Arkady Pikovsky – Project Sponsor**

- They had neighborhood meetings but no one came.
- He hopes that the Commission will approve the project.

ACTION: Took discretionary review and disapproved the demolition.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell

- 24b. 2004.0755D (G. NELSON: (415) 558-6257)  
261 26<sup>TH</sup> AVENUE - west side between Lake and California Streets; lot 011 in Assessor's Block 1386 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.01.10.4991, proposing to construct a new four-story, three-unit building with three off-street parking spaces in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S): See Speakers for Item 24a.

ACTION: On the chance an appeal is successful and the project is approved, the Commission took discretionary review and disapproved the project, but required that an NSR be filed to restrict the building to three units; stairs should be visually open or the ground level and bathroom should be reduced to a half bath.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Bradford Bell

25. 2004.0608D (M. SNYDER: (415) 575-6891)  
500 8<sup>TH</sup> STREET/1001 BRYANT STREET - southwest corner of 8th Street and Bryant Street, Lots 001C and 10 in Assessor's Block 3781 - **Mandatory Discretionary Review** of Building Permit Application No. 2004.06.16.6585 proposing to establish a automotive dealership, showroom, service center, and accessory administrative offices for Mercedes Benz in the Housing/PDR and the Housing/Mixed-Use Overlay Zones pursuant to Planning Commission Resolution 16727 (The Eastern Neighborhoods Interim Policies). The subject site is within a M-2 (Heavy Industrial) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S):

(+) **Andrew Junius – Reuben and Junius – Representing Mercedes Benz**

- The location is vacant.
- The site has had various PDR uses.
- He agrees with staff that this is an ideal location for this type of business.
- This will be the flagship location.

- This type of use will provide various types of employment.
- The architect is available for questions.

**(+) Ash Zaki – Vice President and General Manager of Mercedes Benz of San Francisco**

- This project will provide jobs in the South of Market and Mission Districts.
- A lot of the jobs are entry-level jobs.
- The full time employees receive full benefits. They have very little part time employees.
- They offer apprentice programs.

**(+) David Barsotti – Vice President/Business Development Director**

- He is the son of the owner of Mercedes Benz of San Francisco.
- They are trying to be one of the first to be LEED (Leadership in Energy and Environmental Design) certified.
- They are trying to make this building environmentally friendly.
- They are currently designing a smaller, environmentally conscious vehicle.

ACTION: Did not take discretionary review and approved the project.

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell

26a. 2003.0304CV

(J. PURVIS: (415) 558-6354)

829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - **Request for Conditional Use authorization** under Planning Code Sections 207.5, 263.11, 271, and 157 to construct a nine-story, mixed-use building with up to 69 dwelling units at a density of one unit per 147 square feet of lot area under Section 207.5, to construct an 85-foot-tall building (with a 16-foot-tall mechanical penthouse) in the 40-X/85-B Height and Bulk District under Section 263.11, to exceed the bulk limits at the 50-foot height by 60 feet in length and 54 feet diagonally (by 48 feet in length and 42 feet diagonally at the 65-foot height) under Section 271; and to provide parking exceeding accessory amounts (with up to 62 spaces for project residents) under Section 157. On the ground floor, garage access would be provided at Shipley Street, and up to 5,000 gross square feet of retail space would be provided with access from Folsom Street. The proposed project would also require a rear yard modification and a variance from dwelling unit exposure requirements. The site is within an RSD (Residential/Service) South of Market Mixed-Use District, and a 40-X/85-B Height and Bulk District.

Preliminary Recommendation: Approval with modifications and conditions

(Continued from Regular Meeting of August 12, 2004)

**NOTE:** On May 27, 2004, the Commission passed a motion of intent to approve by a vote +5 –1. Commissioner S. Lee voted no. Final Language July 1, 2004. Public testimony remains open on any new information.

**NOTE:** On July 1, 2004, the Commission continued the matter to August 12, 2004.

**NOTE:** On August 12, 2004, without a hearing, the Commission continued the matter to October 7, 2004.

SPEAKER(S):

**(-) Roger Halls**

- He lives on Shipley Street.
- He appreciates the efforts of the Commission. They have tried to have a satisfactory plan.
- They have next to them the Silvercrest Residents run by the Salvation Army.
- He has lived in the area for 11 years.
- He is concerned with the safety of the Silvercrest community.
- Having the egress from this project open onto Folsom would be ideal.
- Retail space goes unused and vacant.

**(-) Jim Meko – SOMA Leadership Council**

- There are some planning guidelines that should be adhere to: like the zoning that governs the area; interim policies for the Eastern Neighborhood policies. The future of South of Market is all about the respect for the community.

**(+) Jim Salinas – San Francisco Building and Construction Trades Council**

- He praised the project sponsor for his due diligence.
- He agrees with the continuance.
- It is good that the project sponsor and the community have conversations and come to a decent compromise.
- The Commission should approve this project.

**(+) Steve Atkinson – Representing Project Sponsor**

- He agrees with continuing this matter.

**ACTION:** Hearing Held. Item Continued to October 21, 2004 in order for Project Sponsor to continue discussions with community and homeowner's association. Public Comment Remains Open.

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

26b. 2003.0304CV (J. PURVIS: (415) 558-6354)  
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - **Requests for Variances**. The proposal is to construct a nine-story, mixed-use building with up to 69 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. A variance is sought from dwelling unit exposure requirements, as the horizontal dimensions of the inner court do not meet the requirements for an open area as defined under Section 140(a)(2) for dwelling unit exposure, and 27 of the 70 units have no exposure other than this inner court. The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.

(Continued from Regular Meeting of May 27, 2004)

**NOTE:** On May 27, 2004, Zoning Administrator has left the public hearing open and continued the item to July 1, 2004.

**NOTE:** On July 1, 2004, Zoning Administrator continued the matter to August 12, 2004.

**NOTE:** On August 12, 2004, without a hearing, Zoning Administrator continued the matter to October 7, 2004.

**SPEAKER(S):** See Speakers for Item 26a.

**ACTION:** Zoning Administrator continued the matter to October 21, 2004.

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment: 7:26 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, OCTOBER 21, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee

EXCUSED: Alexander

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 14, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

MAR - 1 2005

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,  
William L. Lee

**COMMISSIONERS ABSENT:** Christina Olague

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:50 p.m.

**STAFF IN ATTENDANCE:** Delvin Washington, Craig Nikitas; Carol Roos; Tina Tam; Matthew Snyder;  
May Woods; Dan Sider; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. (M. FOSTER (415) 558 - 6362)

OVERVIEW OF THE PROPOSED MID-MARKET REDEVELOPMENT PLAN AND SPECIAL USE DISTRICT - Informational presentation on the proposed Mid-Market Redevelopment Plan and SUD. Staff will provide an overview of the Plan's key goals and proposals, outline the key issues related to the proposed Special Use District, and describe the schedule for further Planning Commission review.

Preliminary Recommendation: No Action

(Proposed for Continuance to December 2, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

2. 2004.0760DDDD (T. TAM: (415) 558-6325)

4027-19<sup>th</sup> STREET - south side between Noe and Hartford Streets, Lot 88 in Assessor's Block 3602 - Request for Discretionary Review for Building Permit Application No. 2003.05.20.5067S, to construct a two-story vertical addition to the existing one-story-over basement, two-unit dwelling. The project also proposes to convert the existing basement

into habitable space and construct a new two-car garage. The property is located in the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of October 7, 2004)  
**(Proposed for Continuance to December 2, 2004)**

SPEAKER(S): None

ACTION: On calendar in error. On October 7, item was continued to December 2, 2004.

3. 2004.0076C (B. FU: (415) 558.6613)  
1350 NATOMA STREET - west side, between 14th and 15th Streets, Lot 089 in Assessor's Block 3548 - **Request for Conditional Use authorization** pursuant to Planning Code Section 215 to allow the construction of 8 residential dwellings in the C-M (Heavy Commercial) District with a 50-X Height and Bulk Designation.  
Preliminary Recommendation: Pending  
**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions

**None**

5. Discussion and possible action to adopt the recommendations for the Planning Director Search Subcommittee.

Preliminary Recommendation: Adoption

**Commissioner Bradford Bell:**

1. Discussion and possible action to develop selection criteria, a job description, and a job announcement for the position of Planning Director.

*The Commission determined that the job description would be edited slightly to say that the job would remain open until filled and would they begin reviewing applications December 1, 2004.*

2. Discussion and possible action to develop a recruitment plan, including obtaining the services of a professional recruiter.

*Commissioner Bell will work with the Commission Secretary and City Attorney to see what the process would be and whether there is someone already under contract with the city already.*

3. Discussion and possible adoption of amending a regular meeting schedule for the subcommittee.

*The Subcommittee calendar was revised and approved. Subcommittee will meet on October 21, 2004 and then will meet every other Thursday through December 16, 2004.*

## C. DIRECTOR'S REPORT

6. Director's Announcements  
**None**
7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS – None**

### **BOA**

Jonas Ionin attended the hearing.

*Re: 4386 26<sup>th</sup> Street*

- This case was related to some lot line windows.
- The conditions imposed were upheld by the BOA.

## E. REGULAR CALENDAR

8. 1994.0670E (C. ROOS: (415) 558-5981)  
**SOUTH\_OF\_MARKET REDEVELOPMENT\_PLAN - Public Hearing on Draft Supplement to the FEIR for the South of Market Redevelopment Plan Amendment.**  
The South of Market Redevelopment Plan Amendment ("Redevelopment Plan Amendment") proposes to convert the South of Market Earthquake Recovery Redevelopment Project Area to a redevelopment project area ("Project Area") and will authorize the San Francisco Redevelopment Agency ("Agency") to use tax-increment financing to alleviate physical and economic conditions of blight and to use eminent domain to alleviate these blighting conditions. The proposed amended Project Area is generally bounded by Stevenson, Mission and Natoma Streets on the north, Fifth Street on the east, Harrison and Folsom Streets on the south and Seventh Street on the west. In order to finance projects and programs that would alleviate the conditions of blight, the Redevelopment Plan Amendment would also include:
  - An amended expiration date, which extends the redevelopment plan by 10 years (from June 11, 2010 to June 11, 2020);
  - Extended deadlines for the Agency to incur and repay indebtedness secured by tax increment funds; and
  - Increase the aggregate amount of tax increment the Agency may receive (from \$102,000,000 to \$200,000,000) and the maximum amount of bonded indebtedness the Agency may have outstanding at any one time (from \$60,000,000 to \$80,000,000).

The Agency would carry out a comprehensive program to alleviate the adverse effect of blight in the Project Area by implementing the following five main elements of the Redevelopment Plan Amendment's program: 1) Improve residential conditions and encourage residential activity; 2) Improve economic conditions and encourage business activity; 3) Promote area quality of life and social services; 4) Address infrastructure and transportation needs; and 5) Assure appropriate neighborhood land uses and design.

Implementation of the Redevelopment Plan Amendment is expected to yield a total of 834 residential units (483 small residential units and 351 family units), 114,618 square feet of commercial development and 91,375 square feet of industrial development at build out in 2020. The implementation of the Redevelopment Plan Amendment is also expected to result in rehabilitation of 300 existing single room occupancy residential hotel units that are either vacant or have substandard living conditions.

**Note: Written comments will be received at the Planning Department until 5 pm, October 14, 2004, or the end of the Public Hearing, whichever is later.**

Preliminary recommendation: Public Hearing to Receive Comments. No Action Required.

SPEAKER(S):

(+) Ernestin Weiss

- This is a wonderful plan and the Commission should approve it.
- She assumes that this is affordable housing.
- The city needs smart development.
- Luxury apartments are not needed right now.

ACTION: Hearing Held. No Action Required. Written comments will be received at the Planning Department until 5 pm, October 14, 2004, or the end of the Public Hearing, whichever is later.

9. 2004.0585D (R. CRAWFORD: (415) 558-6358)  
20 CRAGMONT AVENUE - northeast side between 12th Avenue and Oriole Way. Assessor's Block 2123B Lot 001G - **Request for Discretionary Review** of Building Permit Application No. 2004 0407 0748, construct a new three story single family dwelling on a vacant lot in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and Modify the Project.  
(Continued from Regular Meeting of October 7, 2004)

SPEAKER(S): None

ACTION: Discretionary Review request has been withdrawn.

10. 2004.0151D (M. WOODS: (415) 558-6315)  
2250 JACKSON STREET - north side between Buchanan and Webster Streets; Lot 8 in Assessor's Block 589 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.07.07.8857S, proposing to reduce the existing five-unit building to a two-unit building in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.  
(Continued from Regular Meeting of September 2, 2004)

SPEAKER(S):

(+) Alice Barkley – Representing Project Sponsor

- One of the two criteria that the project did not meet is the function of deficiency.
- The original plan cannot support the project sponsor's family.
- She displayed a map of the original floor plan and the proposed merger floor plan.
- Staff's assessment is inaccurate because they are applying the criteria that the family will be living there.
- The lost unit will not be a hardship to the supply of housing.
- One cannot Ellis act part of a unit. The project sponsor imposed the Ellis Act on the entire building several years ago. Ever since then, the family has been living in one unit.

(+) Clad Moran

- She lives behind the proposed project.
- The project sponsors are very nice people and maintain the property very well.
- Inside the house, the area is quite small. She is surprised that the project sponsor lived there for five years.

- MOTION: Take Discretionary Review and disapprove the merger.  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague  
RESULT: Motion Failed

ACTION: In the absence of a substitute motion, the proposed project is approved as proposed.

- 11a. 2003.0270DD (M. SNYDER: (415) 575-6891)  
**695 ARKANSAS STREET** - east side between 20th Street and 23rd Street, Lots 25F and 26 in Assessor's Block 4099, and a portion of the 22nd right-of-way (proposed for vacation) - **Request for Discretionary Review** of Building Permit Application No. 2004.03.24.9479 proposing to construct horizontal and vertical additions on the south and east (rear) sides of the house, within an RH-2 (House, Two-family) District a 40-X Height and Bulk District, and a portion of the OS Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project as modified.

SPEAKER(S):

(-) **Simon Higgitt – Discretionary Review Requestor**

- The plans and the set backs are still taking about two thirds of his house.
- The extension with setbacks will diminish the sunlight to his home.
- His house will be overcome by the enormous extension to the house.
- The height and bulk of the house should be compatible to the neighborhood.
- His backyard slopes away from the proposed structure so the height will seem larger.

(-) **Dick Millet**

- He is here speaking on his own.
- There is no need for the project sponsor to request the square footage they are requesting.
- The project would join two lots because of rear yard requirements therefore projecting farther into the rear yard than the existing pattern of mid block open space.
- The project will also be casting shadows on the northern and eastern neighbors rear yards plus intruding upon their privacy.

(-) **Jean Makanna**

- She lives on Arkansas Street.
- Most of the people who live in this neighborhood have lived there for about 20 years.
- The project would be disproportionate to the rest of the homes
- She is severely opposed to this project.

(-) **Susan Shurman**

- She has lived on Potrero Hill for about 25 years.
- She has been a member of the community garden for about 12 years.
- The project sponsor will be using space that could be used for open space.
- She is very opposed to the Variance.
- More buildings are not needed, more open space is.

(-) **Jeannine Vaughan**

- She has lived on Arkansas Street for about 14 years.
- She is totally opposed to this "super structure."
- This project will cut bock the light to her house.
- The community gardens have existed without any threat. Now they are threatened.

(-) **Mary K. Law**

- She has lived on Wisconsin Street for more than 50 years.
- The project is too big and will be a monstrosity to look at.
- This will be an encroachment on the open spaces of the "hill."

(-) **Kelley Hensley**

- She lives across the street from the proposed project.
- She is opposed to this project.

- When did people's personal circumstances become more important than open spaces in a neighborhood?

**(-) Babette Drefke**

- Potrero Hill has many dead end streets.
- Adjacent property owners are given an unfair advantage.
- It is more important to build a walkway in the area than to approve this extremely large house. It is dangerous and risky to walk in this area.

**(-) Ernestine Weiss**

- She does not live in the area but is a strong advocate of open space.
- Not addressing the needs of the neighbors is a very bad thing.
- The people who live surrounding this area should be allowed to enjoy the open space because that is the reason they purchased their homes.

**(-) Lean Grant**

- She lives across the street and is opposed to the proposed project.
- If this project should be approved, then it should be done properly.

**(-) Douglas Conrad – Member of the Connecticut Friendship Garden**

- He is a gardener.
- He read a letter from four gardeners who came together to write the letter.
- They are totally opposed to the project because of the loss of open space, which is very important to the neighbors.

**(+) Mike Lanza – Project Sponsor**

- He has been working on this project for more than three years.
- There are various neighbors who support the project.
- When he purchased his home he was told that he was able to build on the entire lot.
- He is trying very hard to lessen the impact on the back lot.
- He made an outreach to the community and tried to speak to all the people who are against the project but was not able to make any progress.
- There were community boards and negotiation as well.

**(+) Alan Wilson – Project Architect**

- He gave a general description of the architectural aspects of the project proving that there have been various things done to the project to lessen the impact on the neighbors.

**(+) Dirk Hines – Connecticut Friendship Garden**

- He is in support of this project.
- The project will legitimize his occupancy on 22<sup>nd</sup> Street.
- This project will secure into the future the community gardens.
- There has been a lot of emotion with this project.

**(+) Suzanne Brunetti – Arkansas Street Gardens**

- The majority of the members support this project.
- The project sponsor has a right to add to his house.
- The majority of the land that would be lost, the gardeners are not allowed on and will have to be torn down. The project sponsor has agreed to restore this space.
- The city land would be greatly utilized.
- The majority of the gardeners approve of this project.

**(+) Linda Berlin**

- She has lived in the area for about 20 years.
- She was originally opposed to the project but as she saw the plans she changed her mind and is now in support of the project.
- There have been a number of additions and expansions in the neighborhood.
- She urged the Commission to approve the plans.

**(+) Lisa Riyers**

- She lives in the neighborhood.
- She is speaking on behalf of herself and a neighbor who was not able to attend the hearing.
- If this project is not approved, the garden would suffer a loss because a future owner might not agree to improve it.

- She appreciates the project sponsor's family wanting to be a part of this neighborhood and the gardens.

(+) Steve Matteusky

- He has no direct relation to the project sponsor but he has seen how much they want to work with the community.

- The project sponsor has been very thorough.

(+) Ken Taymore – Attorney – Representing Project Sponsor

- He has been representing the Project Sponsor for many years.

- This unimproved lot, which is the mid-block open space, is a legal buildable lot.

- A large portion of the street needed to be taken.

- As far as process goes, there has been a lot of talk that this has not gone through the proper public process. The Project Sponsor has gone through the proper permits and public hearings.

MOTION: To take Discretionary Review and approve as modified by staff.

AYES: Hughes, S. Lee, W. Lee

NAYES: Antonini and Bradford Bell

ABSENT: Olague

RESULT: Motion Failed

ACTION: Took Discretionary Review and approved the project with the following condition: improve path to the south of the communal garden and sponsor shall communication with the city department that has jurisdiction of that site.

AYES: Antonini, Hughes, S. Lee, W. Lee

NAYES: Bradford Bell

ABSENT: Olague

- 11b. 2004.0270V (M. SNYDER: (415) 575-6891)  
695 ARKANSAS STREET - east side between 20th Street and 23rd Street, Lots 25F and 26 in Assessor's Block 4099, and a portion of the 22nd right-of-way (proposed for vacation) - **Front setback variance sought**. The proposal is to construct an addition in a portion of the existing unimproved 22nd Street Right-of-Way that is proposed to be vacated and annexed to Lot 26. The addition would measure approximately 15-feet wide by 35.5-feet deep by 22.5-feet tall. Planning Code Section 132 requires that a 15-foot setback be provided in front of the dwelling. The house is built to within 2-feet of the front property line and is therefore considered non-complying. The proposal is to build the addition with the same front setback as the rest of the house. The variance will be considered by the Zoning Administrator.

SPEAKER(S): See Speakers for Item 11a.

ACTION: The Acting Zoning Administrator closed the public hearing. He has taken the matter under advisement.

12. 2004.0757D (T. TAM: (415) 558-6325)  
707 HURON AVENUE - southeast side between Whipple and Farragut Streets, Lot 44 in Assessor's Block 7100 - **Request for Discretionary Review** for Building Permit Application No. 2004.01.30.5277S, to construct a new two-story rear horizontal extension to an existing two-story, single-family dwelling. The project also proposes converting the existing storage space on the ground floor into habitable area. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of October 7, 2004)

**SPEAKER(S):****(-) Yan Liang – Discretionary Review Requestor**

- The proposed project will compromise her privacy.
- She needs her window to be open for fresh air and for light but it will be blocked with the new construction.

**(+) Grace Ruiz – Project Sponsor**

- She has gone through the whole plan.
- The bay window is not going to affect the DR requestor's privacy at all.
- She is willing to make some modifications to the window.

**(+) Steve Currier – President of the Outer Mission Residents Association**

- The plans as they see them make the project fit into the neighborhood.
- The project sponsor has gone out of her way to accommodate the neighbors.

**ACTION:** Did not take Discretionary Review and approved the project.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

**ABSENT:** Olague

13. 2004.0606D (T. TAM: (415) 558-6325)

**1874 CHURCH STREET** - west side between 30th and Randall Streets, Lot 21 in Assessor's Block 6655 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2004.06.23.7130, proposing to merge three dwelling units to two dwelling units in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):****(+) Ahmad Larizadeh – Representing Project Sponsor**

- The project sponsor's did not want to evict the downstairs tenant.
- By making the changes, a family of four would be able to live comfortably.

**(+) Anthony Felzone – Project Sponsor**

- It has been the family's dream to own a home in San Francisco.
- Many of their friends are leaving the Bay Area because property is so expensive.
- His wife works for a magazine and he is an environmental planner.
- They are in an extremely competitive housing market right now.
- All the neighbors are very supportive of the project.

**(+) Amy Felzone**

- Her family is growing and the space has become smaller.
- They needed to leave the condo where they were living because the fees were continually going up.

**ACTION:** Did not take Discretionary Review and approved the merger

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

**ABSENT:** Olague

14a. 2004.0336D (T. TAM: (415) 558-6325)

**1144 PLYMOUTH STREET** - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.09.06.5881 (dwelling at the front) to demolish an existing one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

14b. 2004.0759D (T. TAM: (415) 558-6325)

1144 PLYMOUTH STREET - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.09.06.5882 (dwelling at the rear) to demolish an existing one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

14c. 2004.0758D (T. TAM: (415) 558-6325)

1144 PLYMOUTH STREET - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction to replace demolished housing, of Building Permit Application No. 2002.09.06.5878S, for the construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

15. 2004.0479D (T. WANG: (415) 558-6335)

10 PORTOLA DRIVE - southwest side between Fenton and Golding Lanes; Lot 021 in Assessor's Block 2826 - **Request of Discretionary Review** of Building Permit Application No. 2004.02.06.7278, proposing to extend the existing second and third floors towards the rear of the lot and construct a fourth story vertical addition to an existing two-story over garage, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications

(Continued from Regular Meeting of October 7, 2004)

SPEAKER(S):

(-) Lou Felthouse – Architect

- The Discretionary Review requestor has lived in the area for many years.
- He presented a 3-D image showing the proposed addition.
- The project sponsor has a beautifully landscaped rear garden.
- He displayed a PowerPoint presentation showing the shadow positions during various times of the year.
- A blank wall is what the DR requestor would be looking at if this project is approved.

**(+) Patrick Owens – Project Sponsor**

- There are some incorrect statements in the Discretionary Review request application.
- They provided a shadow analysis.
- They have provided all the information that the Planning Department has requested.
- There are other houses on the block that have the identical setup as their proposal. None of those houses had to make any modifications.
- They provided seven letters of support for their project.

**(+) Alan Chung**

- He lives on Portola Drive.
- He supports the project because the project sponsors have made a conscientious effort to accommodate the neighbors.
- He loves the neighborhood and has lived there for many years.

**(+) Gail Collins**

- When they purchased their house, their plan was to start a family.
- They really love their neighborhood and would like to remain in the neighborhood.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

16. 2004.0765D (D. SIDER: (415) 558-6697)  
3616 FOLSOM STREET - west side between Eugenia and Powhatan Avenues, Lot 004 in Assessor's Block 5651 - **Mandatory Discretionary Review** of Building Permit Application Number 2004.03.31.0043 proposing to (1) merge two legal dwelling units into a single dwelling unit and (2) construct additions to the side, rear, and roof of the existing building. Planning Commission Resolution Number 16053 requires a Discretionary Review hearing for all projects, which result in the removal of a legal dwelling unit. The property is located in an RH-1 (Residential, House, Single-Family) Zoning District, the Bernal Heights Special Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of October 7, 2004)

**SPEAKER(S):****(+) Daniel Ewald – ETA Architecture**

- The project sponsors are living in an attic type space.
- There will be no displacement.

**(+) Sean Brady – Project Sponsor**

- He and his wife are trying to stay in San Francisco.
- They were recently married.
- He hopes that the Commission will approve the merger.

ACTION: Did not take Discretionary Review and approved the merger.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 17a. 2004.0097D (G. NELSON (415) 558-6257)  
2070 GOLDEN GATE AVENUE - north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.09.29.6052, proposing to demolish a two-story two-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The two-family dwelling is located at the front of the lot. There are related proposals to demolish a single-family dwelling at the rear of the lot and to construct a four-story, three-family dwelling with three off-street parking spaces.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition  
(Continued from Regular Meeting of September 9, 2004)

**NOTE: Item continued to allow the Project Sponsor to conduct community meetings.  
Item continued to October 7, 2004. Public hearing will remain open.**

SPEAKER(S):

**(+) CJ Higley – Andrew and Junius – Representing Project Sponsor**

- As a result of the community meetings, there were changes made to the plans.
- The one issue outstanding is the additional five-foot setback that staff is proposing.
- He feels that the setback is not necessary and actually causes interior problems to the project.
- The biggest issue is that the five-foot setback at the garage level would not allow the third car to park there.
- He suggests a one-foot break line or a shadow line. This would serve the same purpose.

**(-) Kathleen Ewing**

- She agrees that the only remaining issue is the five-foot setback.
- They had meetings but decided not to do anything with the setback, but various other neighbors want the five-foot setback.

ACTION: Did not take Discretionary Review and approved.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

17b. 2004.0098D

(G. NELSON (415) 558-6257)

2070 GOLDEN GATE AVENUE - north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2004.02.23.6957, proposing to demolish a one-story single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The single-family dwelling is located at the rear of the lot. There are related proposals to demolish a two-family dwelling at the front of the lot and to construct a four-story, three-family dwelling with three off-street parking spaces.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition  
(Continued from Regular Meeting of September 2, 2004)

**NOTE: Item continued to allow the Project Sponsor to conduct community meetings. Item continued to October 7, 2004. Public hearing will remain open.**

SPEAKER(S): Same as those listed for Item 17a.

ACTION: Did not take Discretionary Review and approved.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

17c. 2004.0099D

(G. NELSON (415) 558-6257)

2070 GOLDEN GATE AVENUE - north side between Central and Lyon Streets; lot 019 in Assessor's Block 1150 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.09.29.6049, proposing to construct a four-story, three-family residential structure with three off-street parking spaces in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. There are related proposals to demolish a two-family dwelling at the front of the lot and a single-family dwelling at the rear of the lot.

Preliminary Recommendation: Take Discretionary Review and approve new construction with modifications

(Continued from Regular Meeting of September 2, 2004)

**NOTE: Item continued to allow the Project Sponsor to conduct community meetings. Item continued to October 7, 2004. Public hearing will remain open.**

**SPEAKER(S):** Same as those listed for Item 17a.

**ACTION:** Took Discretionary Review and approved the project as modified by staff:  
The project shall incorporate a 5-foot setback from the main (front) facade of the building at the second, third and fourth floor levels on the left hand side of the front facade.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

**ABSENT:** Olague

18. 2004.0182C (B. FU: (415) 558-6613)

1135 EVANS AVENUE - southwest corner of Evans Avenue and Middle Point Road, Lot 014, Assessor's Block 4602A - **Request for Conditional Use** authorization under Planning Code Sections 711.83 and 790.80 to install a wireless telecommunications facility consisting of 3 panel antennas on an existing 69-foot lattice tower and related equipment on the ground as part of Sprint PCS's wireless telecommunications network. This is a location Preference 2 (Preferred Location – Co-Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines and is within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions  
(Continued from Regular Meeting of October 7, 2004)

**SPEAKER(S):**

**(+) Ryan Crowley – Representing Project Sponsor – Sprint PCS**

- This project would install antennas at the PG&E Hunters Point station.
- The location is a co-location site.
- The location currently has poor or no coverage.
- The equipment will be screened by existing foliage.
- The antennas will be installed on an existing PG&E tower.
- There were community meetings and about 400 notices were sent in trilingual languages. No one attended the meetings.

**ACTION:** Approved with conditions as drafted by staff.

**AYES:** Antonini, Hughes, S. Lee, W. Lee

**ABSENT:** Bradford Bell and Olague

**MOTION:** 16870

19. 2002.0954E (A. AGUILAR: (415) 558-5973)

1234 HOWARD STREET - **Public Hearing on Draft Environmental Impact Report** - The proposed project would involve the demolition of a vacant, light-industrial building totaling 8,250 gross square feet (gsf) and construction of a five-story residential building. The existing building proposed to be demolished is an historical resource for purposes of the California Environmental Quality Act (CEQA) because it is rated as a Category III (Contributory) building under Article 11 of the San Francisco Planning Code, an adopted local register. The proposed building would be 33,340 gsf in building floor area and would have 18 dwelling units. The proposed project would provide 18 off-street parking spaces for the residential units. The entrance and access to the residential use and off-street parking would be from both Howard and Natoma Streets. The project site at 1234 Howard Street (Assessor's Block 3728, Lot 014) is approximately 8,250 square feet in size and located about mid-block on the northern side of Howard Street in the South of Market neighborhood in the block bounded by Howard, Eighth, Natoma, and Ninth Streets. The project site is zoned SLR (Service/Light Industrial/Residential) and within a 50-X height/bulk district.

Preliminary Recommendation: No action required.

**Note: Written comments will be received at the Planning Department until 5:00 p.m. on October 19, 2004.**

SPEAKER(S): None

ACTION: Meeting Held. No Commission Action Required. Written comments will continue to be received at the Planning Department until 5:00 p.m. on October 19, 2004.

20. 2003.0262E (A. AGUILAR: (415) 558-5973)  
1401-1435 MARKET STREET (AKA TENTH/MARKET/MISSION STREETS MIXED-USE PROJECT) - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Certification of a Final Environmental Impact Report:** The project site is approximately 95,000 square feet and is within the proposed Mid-Market Redevelopment Project Area. The project is to construct a 24-story, 320-foot-tall office building fronting Market Street which would provide municipal offices uses; a 21-story, 200-foot-tall market-rate housing tower fronting Tenth Street which would provide up to 250 units; and a 15-story, 150-foot-tall affordable senior housing tower would provide up to 200 units. The total gross area for the proposed project would be approximately 1,024,119 square feet (including the office component, which per a recent revision in the application by the project sponsor, is not part of the currently requested entitlements). Approximately 313 off-street parking spaces are requested. The project would require demolition of seven structures, which contain approximately 166,700 gross-square-feet of vacant office space, and the removal of 108 surface parking spaces. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Certify the Final Environmental Impact Report. Please note that the public review period for the Draft Environmental Impact Report ended at 5:00 PM, June 28, 2004..

(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S):

**(+) Jim Buckley – Citizen's Housing**

- The community has been involved in looking at the impacts.
- He thanked staff for their hard work.
- He is available for questions.

ACTION: FEIR Certified

AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell and Olague

MOTION: 16871

- 21a. 2003.0262E!XCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507- **Adoption of CEQA findings** regarding the proposed establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, and the potential construction of an office building for occupancy by the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Adopt the CEQA findings

(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21b. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - Request for a General Plan referral to determine if the a Planning Code text amendment, a zoning map amendment, and a General Plan amendment related to the proposed establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, the potential construction of an office building for occupancy by the City and County of San Francisco, and other related actions, including the vacation of Jessie Street, is in conformity with the objectives and policies of the General Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Determine that the proposed amendments are conformity with the objectives and policies of the General Plan

(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21c. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block - Request for a Planning Code text amendment related to the proposed establishment of the Tenth and Market Streets Special Use District. The Planning Code text amendment consists of adding Section 249.27 to the Planning Code, which would establish the Tenth and Market Streets Special Use District and include the following provisions: (a) eliminate residential density restrictions, (b) exempt residential uses from the calculation of floor area ratio, (c) provide a height exemption of up to 30 feet for elevator and mechanical penthouses, and (d) allow residential parking up to a ratio of one independently accessible space for each dwelling unit with conditional use authorization. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Adopt the draft resolution

(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21d. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - Request for a zoning map amendment related to the proposed establishment of the Tenth and Market Streets Special Use District. The zoning map amendment consists of adding the Tenth and Market Streets Special Use District to Map 7SU of the Official Zoning Maps of the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Adopt the draft resolution

(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21e. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within the C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts – **Request for a General Plan amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The General Plan amendment consists of adding the Tenth and Market Streets Special Use District to Map 1 ("Downtown Land Use and Density Plan") of the Downtown Area Plan and adding Policy 2 to Objective 6 of the Downtown Area Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21f. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for a Section 309 Determination of Compliance and Request for Exceptions**. The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District and the potential construction (requiring future approval) of an approximately 24-story office building approximately 420,000 square feet in area, for occupancy by the City and County of San Francisco. The residential component of the project requires separation of towers, rear yard, loading, wind, and bulk exceptions pursuant to Section 309(a). The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Approve with conditions  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21g. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for conditional use authorization** to provide residential parking at the Tenth Street Building exceeding an amount classified as accessory (220 residential spaces are requested where 93 independently accessible spaces would be allowed as-of-right), and to allow additional FAR above the base FAR of 6.0 to 1 for the construction of affordable dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, and the potential construction of an approximately 24-story office building approximately 420,000 square feet in area, for occupancy by the City and County of San Francisco. The property is currently within a C-

3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Approve with conditions  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

- 21h. 2003.0262E!KXC\VMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within the C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts – **Permitted obstructions variance sought.** The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District and the potential construction of an office building for occupancy by the City and County of San Francisco. Section 136(c)(19) of the Planning Code allows fences and windscreens not exceeding a height of 10 feet above grade within the required rear yard. The proposed residential buildings will include a fence/windscreen exceeding a height of 10 feet within the required rear yard. The variance will be considered by the Zoning Administrator.  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Without Hearing. Item Continued to October 21, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 6:21 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 24, 2005.

SPEAKERS: None  
ACTION: Approved  
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee  
ABSENT: Olague  
EXCUSED: Alexander



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 21, 2004

1:30 PM

Regular Meeting

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**COMMISSIONERS PRESENT:** Dwight D. Alexander, Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** Sue Lee

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 2:58 p.m.**

**STAFF IN ATTENDANCE:** Larry Badiner – Acting Director and Zoning Administrator; Jonathan Purvis; Dan DiBartolo; Dan Sider; Paul Lord; Steve Shotland; Dominick Argumedo; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0779T (P. LORD: (415) 558-6311)  
NORTH BEACH FORMULA RETAIL PROHIBITION - Consideration of an Ordinance amending Planning Code Section 707.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 4, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

ABSENT: S. Lee and Olague

2. 2004.0780T (P. LORD: (415) 558-6311)  
HAIGHT STREET FORMULA RETAIL CONDITIONAL USE REQUIREMENTS - Consideration of an Ordinance amending Planning Code Section 707.3 to designate formula retail uses as a Conditional Use in the Haight Street Neighborhood Commercial

District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Pending

(Proposed for Continuance to October 28, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

ABSENT: S. Lee and Olague

3. 2004.0781T (P. LORD: (415) 558-6311)  
ELEVATOR PENTHOUSE HEIGHT EXEMPTION INCREASE - Consideration of an a  
Ordinance amending Planning Code Section 260 to provide for an increase in the  
height exemption for elevator penthouses from 10 feet to 16 feet; and making findings of  
consistency with the priority policies of Planning Code Section 101.1 and the General  
Plan.  
Preliminary Recommendation: Pending  
(Proposed for Continuance to November 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

ABSENT: S. Lee and Olague

- 4a. 2004.0032D (J. PURVIS: (415) 558-6354)  
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2002.10.17.9296 proposing the demolition of a one-story, single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending.  
(Proposed for Continuance to December 2, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

ABSENT: S. Lee and Olague

- 4b. 2004.0033D (J. PURVIS: (415) 558-6354)  
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2002.10.17.9298 proposing the construction of a two-story single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending.  
(Proposed for Continuance to December 2, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

ABSENT: S. Lee and Olague

5. 2004.0837D (M. WOODS: (415) 558-6315)  
**2405 OCTAVIA STREET** - west side between Broadway and Pacific Avenue; Lot 5 in Assessor's Block 578 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2004.02.03.5401S, proposing to reduce the existing seven-unit building to a five-unit building in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.  
(Continued from Regular Meeting of October 7, 2004)  
**(Proposed for Continuance to December 2, 2004)**

SPEAKER(S): None  
ACTION: Without hearing, item continued to December 2, 2004.  
AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee  
ABSENT: S. Lee and Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption – Draft Minutes of October 7, 2004.

SPEAKER(S): None  
ACTION: Approved  
AYES: Antonini, Bradford Bell, Hughes, W. Lee  
EXCUSSED: Alexander  
ABSENT: S. Lee and Olague

7. Commission Comments/Questions

**Commissioner Bradford Bell:**

- Welcomed the new Commissioner and congratulated Commissioner Antonini for his confirmation to continue on the Commission for a four year term.

**Commissioner Antonini:**

- He thanked everyone for his or her congratulations.

*Re: Eastern Neighborhoods*

- He is not sure why the meeting with the Mission District neighborhood was cancelled.  
- He knows that this is a very important meeting and hopes that it will be rescheduled soon.  
- Those with an interest in the Mission District and the NEMIZ should resolve their differences.

**Commissioner Hughes:**

- Welcomed Commissioner Alexander.

**Commissioner Alexander:**

- He is very happy to be here and is looking forward to working with the Commission.

**Commissioner W. Lee:**

- Welcomed Commissioner Alexander and congratulated Commissioner Antonini.

*Re: Backlog with Planning and Public Works Street Use and Maps*

- He requested a status on the backlog between Planning and Public Works Street Use and Maps regarding the number of outstanding condo conversion maps that either Planning or Street Use and Maps has.

**Commission Secretary:**

- The video from the Ethics Commission is available. She will provide it to Commissioners two at a time until all Commissioners have reviewed it and can certify they have done so.

**C. DIRECTOR'S REPORT****8. Director's Announcements**

- Acting Director Larry Badiner welcomed Commissioner Alexander and congratulated Commissioner Antonini.

**Re: Eastern Neighborhoods**

- There is no date set for this hearing. He will be working with Commissioners and Interim Director Macris to set a date.

**Re: Backlog**

- He is aware of the backlog.
- Two staff have been assigned to this.
- He will report on this next week.

**9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS –***Re: Land Use Committee for October 18, 2004.*

- The Committee approved the rezoning of South Park. The Commission heard this on September 23, 2004.

*Full Board of Supervisors – October 19, 2004*

- The Board continued the consideration of the environmental appeal on 1730 Van Ness Avenue (Buddhist Temple). The Commission cannot hear the appeal until it has been considered at the Board of Supervisors.

**BOA – None****10. Streamlining of Material for Commission case packets.**

- Larry Badiner gave a presentation on streamlining Commissioner's packets.
- The Commission agreed to accept the changes proposed, which includes a more expanded yet brief executive summary. This would eliminate the case report and include an environmental status. This would begin in November 2004.

**SPEAKER(S):** None**ACTION:** None**D. REGULAR CALENDAR****11a. 2003.0304CV**

(J. PURVIS: (415) 558-6354)

- 829 FOLSOM STREET** - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - **Request for Conditional Use authorization** under Planning Code Sections 207.5, 263.11, 271, and 157 to construct a nine-story, mixed-use building with up to 69 dwelling units at a density of one unit per 147 square feet of lot area under Section 207.5, to construct an 85-foot-tall building (with a 16-foot-tall mechanical penthouse) in the 40-X/85-B Height and Bulk District under Section 263.11, to exceed the bulk limits at the 50-foot height by 60 feet in length and 54 feet diagonally (by 48 feet in length and 42 feet diagonally at the 65-foot height) under Section 271; and to provide parking exceeding accessory amounts (with up to 62 spaces for

project residents) under Section 157. On the ground floor, garage access would be provided at Shipley Street, and up to 5,000 gross square feet of retail space would be provided with access from Folsom Street. The proposed project would also require a rear yard modification and a variance from dwelling unit exposure requirements. The site is within an RSD (Residential/Service) South of Market Mixed-Use District, and a 40-X/85-B Height and Bulk District.

Preliminary Recommendation: Approval with modifications and conditions

(Continued from Regular Meeting of August 12, 2004)

**NOTE:** On May 27, 2004, the Commission passed a motion of intent to approve by a vote +5 -1. Commissioner S. Lee voted no. Final Language July 1, 2004. Public testimony remains open on any new information.

**NOTE:** On July 1, 2004, the Commission continued the matter to August 12, 2004.

**NOTE:** On August 12, 2004, without a hearing, the Commission continued the matter to October 7, 2004.

**NOTE:** On October 7, 2004, without a hearing the Commission continued the matter to October 21, 2004. Public hearing remains open.

SPEAKER(S):

**(+) Steve Atkinson – Project Sponsor**

- He welcomed Commissioner Alexander.
- There was a proposal made. They were not able to accept it because it would not be feasible for his client.
- The project presented today does include changes.
- The interim policies should not be imposed on projects that are still in the pipeline.
- The project provides nine affordable units.

**(+) Mary Murphy – Representing Yerba Buena Lofts**

- She was hoping that there would have been an agreement by now.
- The proposed project is located on a street that has well designed housing projects that required exceptions to open space, etc.
- The design requirements of the policies are perfectly tailored to the physical circumstances of the project.
- She urged the Commission to adopt policies and not controls.
- This project should conform to the policies imposed.

**(+) Hope Whitney**

- The project sponsor does not meet the height requirements.
- This project seeks to reduce the amount of rear yard open space required.

**(+) Ann Marie Kuban - YBL**

- This project is denying the urban requirements.
- They want to be good neighbors and are excited about the project but they should abide by the same regulations and rules that the Planning Department requires for the rest of the city.

**(+) Paul Bard - YBL**

- This area is his home.
- Shipley Street is his back yard.
- He is concerned about the building in its present form because it will damage the feeling of neighborhood.

**(+) Ed Tansey - YBL**

- He displayed a photograph of a project that was previously approved in the area and compared it to the current project that will be located right next to it.
- He displayed a diagram of the buildings located on the street where the project will be located.

**(+) Jeremy Yun**

- He lives on Folsom Street.
- He congratulated Commissioner Antonini on his reappointment.
- He is pro-development but it should conform to the guidelines that the Commission set forth.

- He does not understand why a development would be unfeasible if it is built under the Commission and Planning guidelines.

**(+) David Cadarian**

- He is an architect and lives in the Yerba Buena Lofts.
- The project should respect the scale of the alley.
- He displayed a diagram comparing the current proposed height of the building with the height if the project followed the guidelines.

**(+) Azalea Merrell – Carpenter's Union**

- This project will utilize high skilled union workers.
- It will provide a number of two bedroom units, which are very much needed.
- Affordable housing is scarce in the city.
- She is concerned that projects seem to start under a set of rules and then another set of rules is implemented.
- She submitted a petition with names of people who would have liked to come but instead signed the petition.

**(+) Jim Salinas – Building and Construction Trades Council**

- He is asking for the support of this project because it will be 100% union.
- This means that it will provide work for good workers.
- The Commission has a responsibility to do good for the City.
- This project sponsor has done due diligence in the neighborhood and the community.

**(+) Anthony Faber – SOMA Leadership Council**

- Rezoning is being done in SOMA and it needs to be started in the alleys.
- If buildings are too high in alleys, they [the alleys] become a "canyon."
- He hopes that the Commission will abide by the controls.

**(+) Bill Kedem**

- He lives near the Embarcadero.
- He is in favor of the project.
- The Variances requested are very reasonable.
- The project will be very pleasing to the eye.
- There are other buildings that are as tall or taller.
- It is not fair to subject the project sponsor to a new set of rules.

**(+) Jim Meko**

- Everyone wants this project built.
- The SOMA leadership council voted to stand in solidarity with the YBL and other neighbors on the issues still being addressed.
- If this project is approved as presented today, they will support an appeal to the BOS.
- If the Commission does adhere to the policies, the BOS will.

**(+) Tim Tosta – Steefel, Levitt and Weiss**

- He displayed an aerial photograph of the buildings in the area.
- This is a difficult site. The project has gone through many changes.
- There is actually no solution.

ACTION:              Approved  
AYES:              Alexander, Antonini, Hughes, W. Lee  
NAYES:              Olague  
ABSENT:              Bradford Bell and S. Lee  
MOTION:              16872

11b. 2003.0304CV

(J. PURVIS: (415) 558-6354)

829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - **Requests for Variances**. The proposal is to construct a nine-story, mixed-use building with up to 69 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. A variance is sought from dwelling unit exposure requirements, as the horizontal dimensions of the

inner court do not meet the requirements for an open area as defined under Section 140(a)(2) for dwelling unit exposure, and 27 of the 70 units have no exposure other than this inner court. The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.

(Continued from Regular Meeting of May 27, 2004)

**NOTE:** On May 27, 2004, Zoning Administrator has left the public hearing open and continued the item to July 1, 2004.

**NOTE:** On July 1, 2004, Zoning Administrator continued the matter to August 12, 2004.

**NOTE:** On August 12, 2004, without a hearing, Zoning Administrator continued the matter to October 7, 2004.

**NOTE:** On October 7, 2004, without a hearing, Zoning Administrator continued the matter to October 21, 2004. Public hearing remains open.

**SPEAKER(S):** Same as those listed for Item 11a.

**ACTION:** The Zoning Administrator intends to grant the Variance allowing a 25-foot setback at the 40-foot height. He would like to receive input from the Project Sponsor and the Yerba Buena Lofts. He is not comfortable with the project as submitted. This gives some flexibility.

12. 2004.0501C (G. NELSON: (415) 558-6257)  
2000 VAN NESS AVENUE - northeast corner at the intersection of Van Ness Avenue and Jackson Street; Lot 005 in Assessor's Block 0595 - **Request for Conditional Use** authorization pursuant to Section 209.6(b) of the Planning Code to install a total of four (4) antennas on the roof of an existing 100-foot tall commercial structure, known as the Medical Arts Building, as part of Nextel's wireless telecommunications network within an RC-4 (Residential-Commercial Combined) District, the Van Ness Special Use District and an 80-D Height and Bulk District. Related equipment cabinets will be installed inside the garage level at the ground story. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 4 as it is a wholly commercial structure. MetroPCS and Sprint also have approved installations at this location.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to December 2, 2004.

**AYES:** Alexander, Antonini, Bradford Bell; Hughes, W. Lee

**ABSENT:** S. Lee and Olague

13. 2003.0964C (G. NELSON: (415) 558-6257)  
1881 POST STREET - south side between Fillmore and Webster Streets; Lot 001 in Assessor's Block 0701 - **Request for Conditional Use** authorization pursuant to Section 712.83 of the Planning Code to install a total of fourteen antennas on the roof and related equipment in the basement of an existing 100-foot tall commercial structure, known as the Medical Arts Building, as part of Verizon Wireless' telecommunications network within an NC-3 (Moderate Scale-Neighborhood Commercial) District and a 65-A Height and Bulk District. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 2 as it is a co-location site. Sprint, Nextel and AT&T also have approved installations at this location.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee  
ABSENT: S. Lee and Olague

14. 2004.0176C (D. DIBARTOLO: (415) 558-6291)  
1101-1123 FILLMORE STREET - northwest corner at Golden Gate Avenue; Lot 002 in Assessor's Block 755 - **Request for Conditional Use Authorization** pursuant to Section 712.83 of the Planning Code to install and operate a wireless telecommunication facility for AT&T Wireless Service. The proposal is to install three panel antennas inside fiberglass cylinders, to resemble faux vent pipes, at three different locations upon the roof of the four-story mixed-use building within an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and an 50-X Height and Bulk district. As per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines, the proposal is a Preferred Location Preference 2, as it is the site of previously approved antenna installations.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Erick Cordery – Representing AT&T Wireless

- These antennas will improve this low coverage area.
- The equipment will be located in the basement of the building and away from public view.
- There were community meetings and about 1,800 trilingual mailings were sent out. No one attending the meetings.
- This proposal will improve coverage, locate the site with the City's wireless guidelines and will be located away from public view.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee

MOTION: 16873

15. 2004.0915C (D. SIDER: (415) 558-6697)  
1598 DOLORES STREET - northwest corner of 29<sup>th</sup> Street; Lots 40 through 52, inclusive, in Assessor's Block 6618 - **Request for Conditional Use Authorization** to modify conditions of approval set forth in Planning Commission Motion Number 16445 as modified by Board of Supervisors Motion Number M02-163 and relating to Planning Department Case Number 2000.1058C to allow payment of an in-lieu affordable housing fee rather than provide on-site affordable housing, pursuant to inclusionary housing policies set forth in Planning Commission Resolution Number 16350. In September of 2002, the City authorized construction of two 4-story buildings on the subject property containing a total of 13 units and up to 26 independently accessible off-street parking spaces; both buildings are now complete. Conditions of approval require one of the proposed units to be provided as a Below Market Rate (BMR) unit. This proposal would modify previous conditions of approval to allow the payment of an in-lieu fee to the Mayor's Office of Housing rather than provide the required BMR unit on-site. No physical work is proposed. The property is within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Disapproval.

SPEAKER(S):

*Re: Continuances*

**Alice Barkley**

- Welcomed Commissioner Alexander.
- She does not have all the answers to this project since the project sponsor is on Jury Duty.

ACTION: Without hearing, item continued to November 4, 2004.  
AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee  
ABSENT: S. Lee and Olague

16. 2004.0797C (D. SIDER: (415) 558-6697)  
1728-1748 HAIGHT STREET - between Cole and Shrader Streets; Lot 35 in Assessor's Block 1229 - Request for Conditional Use Authorization to modify conditions of approval set forth in Planning Commission Motion Number 15935 and relating to Planning Department Case Number 99.209C to allow payment of an in-lieu affordable housing fee rather than provide on-site affordable housing, pursuant to inclusionary housing policies set forth in Planning Commission Resolution Number 13405. In October of 2000, the City authorized construction of a 4-story over basement building containing 32 dwelling units, 14,200 gross square feet of commercial space, 75 below-grade parking spaces, and an accessory building with 2 townhouse units. This building is now complete. Conditions of approval require three of the proposed units to be provided as Below Market Rate (BMR) units. This proposal would modify previous conditions of approval to allow the payment of an in-lieu fee to the Mayor's Office of Housing rather than provide the 3 required BMR units on-site. No physical work is proposed. The property is within the Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

SPEAKER(S):

(+) Matthew Brannan

- This proposed amendment is to allow an in lieu fee.
- This was not done in the year 2000 when the project was originally approved because the policies were different at that time.
- They are not asking for something drastic.
- When this project was originally granted, the inclusionary housing was just a policy.
- The formula for inclusionary housing was established by the Mayor's Office of Housing in 2002.
- He hopes that the Commission will not penalize them for something that they had no control over a few years ago.

(-) Calvin Welsh – Height/Ashbury Neighborhood Council

- There are three points here: 1) the Height/Ashbury district needs the affordable units; 2) the Residential Inclusionary Program (Section 315 of the Planning Code), while allowing in-lieu fees, actually favors including the housing in the market rate project; and 3) the proposed fee is too little to result in three affordable units in "close proximity to the principal project" as required by Section 315.5.

- For these reasons they request that the Conditional Use be denied.

(+) Mark Brennan

- The Planning Department is recommending that the in lieu fee for this project be at 17% of the total number of units in the project.
- He urges the Commission to release the project sponsor of any obligations to either provide on-site BMR units or provide an in lieu fee in place of on-site BMRs.
- In the alternative, he urged the Commission to recommend an in lieu fee based on 15% of the total number of units in the project, not the recommended 17%.

(+) Andrew Smith

- He is favor of this proposal.
- It is important to provide as much housing as possible in the City.
- Citywide funds need to be spent in the best possible way.
- He urged the Commission to approve this resolution.
- There is a premium one pays if one builds off site.

(+) Ann Brennan

- The opposition by the Height/Ashbury Neighborhood Council is actually personal.

- She read a letter from the council (previously named Haight Ashbury Improvement Association) dated August 14, 1976 when she and her husband were supportive of a project similar to this one.

(+) Joe O'Donoghue

- This project has become a personal vendetta.

- Mr. Welsh does not offer any reasoning for not building in the Haight/Ashbury area.

- The neighborhood should not be punished because in 2000 the City did not state a certain percentage for the total number of affordable units

(+) Alice Barkley

- It is appropriate to grant the CU and allow the payment of the in lieu fee.

- The funding from the government is insufficient to cover the building cost.

- The City is going to need to look at additional funding so that it could use local funds from in lieu fees to subsidize the housing projects that have been approved by the Commission.

- It would be appropriate for this Commission to grant the Conditional Use.

MOTION: To approve

AYES: Antonini, Hughes, W. Lee

NAYES: Alexander, Bradford Bell, Olague

ABSENT: S. Lee

RESULT: Motion Failed

ACTION: Public Hearing Closed. Item continued to October 28, 2004 to allow the absent Commissioner the ability to participate in the final action.

ABSENT: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

NAYES: Olague

ABSENT: S. Lee

17a. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)

1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507- Adoption of CEQA findings regarding the proposed establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, and the potential construction of an office building for occupancy by the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Adopt the CEQA findings

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

17b. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)

1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - Request for a General Plan referral to determine if the a Planning Code text amendment, a zoning map amendment, and a General Plan amendment related to the proposed establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, the potential construction of an office building for occupancy by the City and County of San Francisco, and other related actions, including the vacation of Jessie Street, is in conformity with the objectives and policies of the General Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Determine that the proposed amendments are conformity with the objectives and policies of the General Plan  
(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

- 17c. 2003.0262E!KXCVMRTZ (M. Li: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block - **Request for a Planning Code text amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The Planning Code text amendment consists of adding Section 249.27 to the Planning Code, which would establish the Tenth and Market Streets Special Use District and include the following provisions: (a) eliminate residential density restrictions, (b) exempt residential uses from the calculation of floor area ratio, (c) provide a height exemption of up to 30 feet for elevator and mechanical penthouses, and (d) allow residential parking up to a ratio of one independently accessible space for each dwelling unit with conditional use authorization. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of October 14, 2004)
- SPEAKER(S): None  
ACTION: Without hearing, item continued to October 28, 2004.  
AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee  
ABSENT: S. Lee and Olague
- 17d. 2003.0262E!KXCVMRTZ (M. Li: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for a zoning map amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The zoning map amendment consists of adding the Tenth and Market Streets Special Use District to Map 7SU of the Official Zoning Maps of the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of October 14, 2004)
- SPEAKER(S): None  
ACTION: Without hearing, item continued to October 28, 2004.  
AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee  
ABSENT: S. Lee and Olague
- 17e. 2003.0262E!KXCVMRTZ (M. Li: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within the C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts – **Request for a General Plan amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The General Plan amendment consists of adding the Tenth and Market Streets Special Use District to Map 1 ("Downtown Land Use and Density Plan") of the Downtown Area Plan and adding Policy 2 to Objective 6 of the Downtown Area Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk District.  
Preliminary Recommendation: Adopt the draft resolution.

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

- 17f. 1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for a Section 309 Determination of Compliance and Request for Exceptions.** The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District and the potential construction (requiring future approval) of an approximately 24-story office building approximately 420,000 square feet in area, for occupancy by the City and County of San Francisco. The residential component of the project requires separation of towers, rear yard, loading, wind, and bulk exceptions pursuant to Section 309(a). The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Approve with conditions

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

- 17g. 2003.0262EIKXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for conditional use authorization** to provide residential parking at the Tenth Street Building exceeding an amount classified as accessory (220 residential spaces are requested where 93 independently accessible spaces would be allowed as-of-right), and to allow additional FAR above the base FAR of 6.0 to 1 for the construction of affordable dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, and the potential construction of an approximately 24-story office building approximately 420,000 square feet in area, for occupancy by the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Approve with conditions

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

- 17h. 2003.0262EIKXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within the C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts – **Permitted obstructions variance sought.** The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units as part of a larger project proposing the establishment of the Tenth and Market Streets Special Use District and the potential construction of an office building for occupancy by the City and County of San Francisco. Section 136(c)(19) of the Planning Code allows fences and windscreens not exceeding a height of 10 feet above grade

within the required rear yard. The proposed residential buildings will include a fence/windscreen exceeding a height of 10 feet within the required rear yard. The variance will be considered by the Zoning Administrator.

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to October 28, 2004.

AYES: Alexander, Antonini, Bradford Bell; Hughes, W. Lee

ABSENT: S. Lee and Olague

18. 2004.0778T

(P. LORD: (415) 558-6311)

MOVIE THEATER DEMOLITIONS - Consideration of an Ordinance to amend the Planning Code by adding Section 221.1 and to amend Sections 703.2, 803.2 and 803.3 to require Conditional Use authorization for any project involving change of use or demolition of a movie theater; amending Planning Code Section 303 to require specific findings as part of a Conditional Use authorization for a change of use of demolition of a movie theater; and making the Ordinance retroactive to any site permit application submitted after July 27, 2004; making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval

SPEAKER(S):

(-) John Malamut – City Attorney

- Supervisor Peskin authorized him to bring this legislation to the Commission. The Supervisor supports this legislation and hopes that the Commission will move it forward to the full Board.

- The amendment that the Supervisor is proposing would be in the retroactive provision. Rather than referring to a site permit application it would refer to an environmental evaluation application filed on or before July 27. It is just changing what particular application one is talking about.

- The one other change is that the provisions that amend Section 303 are listed as Subjection I. Since this was drafted many months ago, this subjection would be subsection k.

(-) Nancy Denney Phelps

- She is a producer of music for film and animation.  
- More and more neighborhood theatres are being closed. This is very sad.  
- Community theatres are very much a convenience.  
- Many people do not travel downtown.  
- There are more and more artists moving out of San Francisco because there are needing a place to view their work.

(-/+) Steve Vettel

- He is thankful for Supervisor Peskin for amending this legislation.  
- He urges the Commission to recommend this legislation with the amendment.

(+) Frank Lee – 4 Star Theatre

- He operates the Four Star Theatre in the Richmond District.  
- This theatre has been showing independent films for 12 years.  
- There have been countless petitions to maintain the theatre.  
- The large theatre chains have no concern for the neighborhood.

(+) Alfonso Felder – San Francisco Neighborhood Theatre Foundation

- Neighborhood movie theatres have served as important community spaces and anchors for commercial spaces.  
- It is important to recognize the importance of these theatres.  
- This legislation will allow for careful analysis of a proposed conversion from a theatre to another use.

(-/+) Chung Ning Lee

- She spoke through a translator.

- She has been a member of Canaan Lutheran Church for many years.
- Their church has an English and Chinese congregation. Because they have been growing, they now need to find a new location.
- They would like to have it located in the Richmond District.
- The church members have contributed a lot of money for the expansion of their church.

**(-/-) Mrs. Tao Chui Ying**

- She spoke through an interpreter.
- She is a member of Canaan Lutheran Church.
- She is happy about the church expanding.
- She is 93 years old and has been waiting for the church to purchase its own building.
- Currently the church shares space with another church.
- There are many senior members in their church, so finding a place in the Richmond District is important.

**(-/-) Gilbert Jay - Attorney**

- He represents the Canaan Lutheran Church.
- It is important to have good legislation.
- Canaan Lutheran Church purchased the theatre property in March of 2001. They were aware that there was a tenant there that had a lease until 2005. The church has not interfered with their right.
- With this new legislation, will there now be an impediment from the tenant for the church to enjoy their rights?
- He is just asking for an exception for the church.

**(-/-) Pastor David Tin**

- The church actually began serving the community in 1968 in the Richmond District.
- There are about 275 members.
- They are a non-profit organization.
- They have been doing a lot of fundraising in order to purchase property for their church.
- Their plan was to wait until the lease was up in order to do the renovation.
- He went to 15 merchants on Clement Street and they were all supportive of the church.

**(-/-) Henry Chan**

- He is a member of Canaan Lutheran Church.
- There are about 275 members.
- They are very concerned about the moratorium currently being proposed.
- They don't have a house of their own. That is why they purchased the old theatre.
- They are trying their best to raise funds.
- They belong to the community and are there to give and not to take away.

**(-) Ruth Tam**

- She has a childcare center in the Richmond District.
- She was also raised in the Richmond and belongs to Canaan Lutheran Church.
- The church provides a lot of services to the community, especially to children.
- A lot of people in the community need their services.

**(-) Ed Jew**

- He is a third generation San Franciscan.
- The majority of the people speaking today came to the United States to have freedom.
- It is important to allow an opportunity for these people to expand their church.

ACTION: Approval as Amended: Change the retroactive provision of the ordinance to replace the "site permit" provision to an "environmental review application."  
AYES: Alexander, Antonini, Bradford Bell, Hughes, Olague  
NAYES: W. Lee  
ABSENT: S. Lee  
MOTION: 16876

19a. 2004.0882EMZ (S. SHOTLAND: (415) 558-6308)  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591a - Resolution of Intent to Initiate Amendments to the General Plan so that it

conforms with the redevelopment plan for the Hunters Point Shipyard Redevelopment Project Area.

Preliminary Recommendation: Adopt a Resolution of Intent to Initiate Amendments to the General Plan

SPEAKER(S): None

ACTION: Adopted a Resolution of Intent to Initiate

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee

MOTION: 16874

- 19b. 2004.0882EMZ (S. SHOTLAND: (415) 558-6308)  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591a - **Resolution of Intent to Initiate Amendments to the Planning Code** by reclassifying property (Amending the Zoning Map) so that it conforms with the redevelopment plan for the Hunters Point Shipyard Redevelopment Project Area.  
Preliminary Recommendation: Adopt a Resolution of Intent to Initiate Amendments to the Planning Code

SPEAKER(S): None

ACTION: Adopted a Resolution of Intent to Initiate

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee

MOTION: 16875

- 20a. 2003.1061D (J. PURVIS: (415) 558-6354)  
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.07.22.0097 proposing the demolition of a fire-damaged one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee

- 20b. 2003.0104D (J. PURVIS: (415) 558-6354)  
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.07.22.0093 proposing the construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District  
Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
SPEAKER(S): None
- ACTION: Did not take Discretionary Review and approved the project.
- AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague
- ABSENT: S. Lee

21. 2004.0667D (G. CABREROS: (415) 558-6169)  
2414 PACIFIC AVENUE - north side between Fillmore and Steiner Streets, Lot 008 in Assessor's Block 0582 - **Request for Discretionary Review** of Building Permit

Application 2003.12.22.2782 proposing to construct rear and side horizontal additions and a new fourth floor to the existing three-story, single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve.

SPEAKER(S): None

ACTION: None. Discretionary Review Request Withdrawn

- 22a. 2004.0230D (R. CRAWFORD: (415) 558-6358)  
1272 42<sup>nd</sup> AVENUE - between Lincoln Way and Irving Street. Assessor's Block 1709 Lot 026 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2004 0323 9406, to demolish an existing single family dwelling in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

SPEAKER(S):

(-) **Jim Bustamante – Representing Discretionary Review Requestors**

- There are about 50 or more neighbors who are opposed to this design.
- They are supportive of a new building. Their objections are mostly related to: height and bulk; front setback and rear yard exception; design of the building; potential illegal units; layout of rooms, etc.
- The concerned neighbors met with the project sponsor, but there were no agreements made.
- Sincere there was a lack of concern for their issues by the project sponsor they filed Discretionary Review.
- The block is quite unique. There is a mix of architectural styles.

(-) **Robbie Testa**

- He and his wife own the house directly behind the subject property.
- The subject project will impact their house by blocking sunlight, air and visuals.
- The residential guidelines state that impacts on adjacent structures should be considered.

(-) **Mary Anne Miller**

- This proposed building is too big and out of keeping with the styles on the block.
- Even the building to be demolished has more characteristic features than the one being proposed.
- The proposed building is just too inferior and it does not meet the residential design guidelines.

(-) **Jim Suekama**

- He has lived on 42<sup>nd</sup> Avenue for 40 years.
- He has reviewed several sets of plans submitted by the sponsor.
- The project is just too big.
- The interior plans are not officially laid out.
- The sponsor can gain more livable space by eliminating some of the sets of stairs.
- None of the houses on the block exceed three stories.
- The sponsor and the architect have not made a study to appreciate the architecture of the other buildings on the block.

(-) **Jennifer Villalobos**

- She is an interior designer and has lived on the block for 21 years.
- There are numerous single-family dwellings on the block.
- This project will establish an enormous precedence in the neighborhood.
- The project is a large bulky mass that is out of character with the neighborhood.
- The multiple staircases allow for multiple units.
- Plumbing has been optimally placed to allow for units on the second and third floors.
- She agrees with the recommendation from staff to remove the fourth floor.

(-) **Loretta Botta**

- She has lived on 42<sup>nd</sup> Avenue for 20 years.

- She read a letter from Leland Yee who is asking the Commission to support the residents who are in support of taking Discretionary Review on this project.

**(+) CJ Higley – Representing Project Sponsor**

- The project sponsor's architect is here to answer questions.

- They have never seen the alternative designs proposed by the Discretionary Review requestor.

- They have asked them a number of times to meet without success.

- The roof is only two feet higher than the adjacent houses.

- The residential design guidelines allow for a building to be higher.

- The guidelines require that the project maintain the scale of the street and they have done that.

**(+) Sophia Chen**

- Her family purchased the property to house her and her husband and her extended family.

- The current configuration of the house does not accommodate her and her family.

- There have been many statements that have been made which have been unnecessary and unethical.

**(+) Drake Gardner – Project Designer – Zone Design Development**

- The project they presented was a problem for the neighborhood. They submitted a second design, which included many of the issues stated by the neighborhood.

- They feel that Mr. Crawford was not open and forth coming. He did not encourage dialogue.

- They are fully willing to cooperate.

- He displayed a lot map of the street and pointed to various properties that are as high as the proposed project.

**(+) Tim McBride**

- His brother is the one of the project sponsors.

- He was thrilled to find out that he and his wife are expecting a baby.

- The needs of the family have changed and that is the reason they need a larger home.

- He hopes that the Commission will approve the project.

**(+) James McCall**

- He displayed a diagram of the façade, which was supported by some neighbors.

- They have tried to work with the neighbors to find a design that is supported by all neighbors.

- The design of the project was made to consider all guidelines.

**(+) Michelle Chen**

- Her family is getting larger so they need a larger home.

- She hopes that the Commission will support their project.

**(+) Erlin Chen**

- She walks around the neighborhood every day and sees how torn down the current property is.

- All her family and various neighbors support this project.

**(+) Lee Chen**

- He supports this project.

- Many young generations are taking care of their parents and grandparents.

- This is a very good project.

**(+) Zu Hui Chen**

- The subject project is close to his church and where they shop.

- They are excited about this project. It will allow the entire family to live together and enjoy dinner together.

- They hope that the neighbors respect them as they respect their neighbors.

- They are a large family so they need a larger house.

ACTION: Did not take Discretionary Review and approved the demolition  
AYES: Alexander, Antonini, Hughes, W. Lee, Olague

ABSENT: Bradford Bell and S. Lee

- 22b. 2004.0640DD (R. CRAWFORD: (415) 558-6358)  
1272 42<sup>ND</sup> AVENUE - east side between Lincoln Way and Irving Street. Assessor's Block 1709 Lot 026 - **Mandatory Discretionary Review** under Planning Commission Policy requiring review of all replacement structures following residential demolition and **Request for Discretionary Review** of Building Permit Application No. 2004 323 9403, to construct a new two family dwelling, four stories in height in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and modify the project.

SPEAKER(S): Same as those listed for item 22a.

ACTION: Took Discretionary Review and approved as modified:

1. Remove the fourth floor from the plan and limit the height of the building to the height of the adjacent building to the north,
2. Remove the 12 foot by 15 foot extension from the rear of the building. External stairs, extending no more than 6 feet toward the rear, may be constructed on the rear of the building in this location.
3. Recess the garage door a minimum of 3 feet,
4. Recess the front entry door a minimum of three feet and include a stoop and porch roof or similar elements to better articulate the entry,
5. Vertically align the entry door and the southerly windows on the front façade and the center the garage door on the bay window on the floors above,
6. Eliminate the pedestrian door on the north end of the front façade or place the door within the recess for the garage door so it is not obvious from the street, or eliminate the interior door leading from interior rooms to the corridor served by the second door,
7. Reduce the width of the garage door to 8 feet.
8. Limit the driveway width to 10 feet and require landscaping of the entire front yard with plant materials, except the driveway and a walk to the front door.
9. A three inch reveal will be required on all front windows,
10. Only a half bath, without bathtub or shower, will be permitted on the ground floor.

#### FINDINGS

The reason the Commission took the action described above includes:

The proposed new construction, as submitted, creates an exceptional and extraordinary circumstance as the proposed construction does not comply with the Residential Design Guidelines, is not compatible with the context of the neighborhood, because it is larger and more massive than neighboring buildings, has a volume and mass that exceeds that of the other dwellings on the block, disrupts the pattern of midblock open space, the height of the building is not compatible, and is out of scale with the other buildings on the block, disrupts the pattern of building heights on the block, is not consistent with the Priority General Plan Policies of Planning Code Section 101 and does not support and advance the objectives and policies of the General Plan.

AYES: Alexander, Antonini, Hughes, W. Lee, Olague

ABSENT: Bradford Bell and S. Lee

23. 2004.0587D (R. CRAWFORD: (415) 558-6358)  
91 MIGUEL STREET - north side between Fairmont and Beacon Streets. Assessor's Block 6665 Lot 023C - **Request for Discretionary Review** of Building Permit Application No. 2004 0128 5045, to construct a new two family dwelling, three stories in height in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Cathy Keller – Discretionary Review Requestor

- She loves living in San Francisco and was very excited when she purchased her house.

- She requests that the Commission reduce the size of the proposed building.
- Step back the two top floors and maintain the landscaping.
- There are about 50 people who signed petitions because they are concerned with the project.
- Despite the case report, the project violates numerous guidelines.
- The Project Sponsor did not seek any input from her or her neighbors.
- The project architect mentioned that she would have to file a Discretionary Review in order for changes to happen to the project.
- She does not intend to delay the project.
- She asked the Commission to take Discretionary Review, set back the top two stories in the rear by 10 and 6 feet and preserve existing trees. This modest request will maintain the same number of rooms, provide some relief from an overwhelming vertical mass above their open space and allow more light to the downhill properties.

(-) Michael Daly

- He and his wife have lived in the neighborhood since 1982.
- They are asking for a minor setback on the rear of the project.
- There are many successful project sponsors who have their projects approved because they follow the guidelines.
- He is asking that the Commission address the various questions that the neighbors still have: occupancy, construction, traffic, etc.

(-) Donna Peck

- She has lived in the neighborhood for 23 years.
- The mass and bulk of the project needs to be considered.
- She is concerned. She lives at the bottom of the hill and the project is at the top of the hill.
- The building is not only deep but also very tall.
- The rear yard addition will leave neighbors feeling boxed in.

(-) Bruce Bonacker

- He is representing the Glen Park Association.
- They don't normally involve themselves in neighbor disputes but this is a precedent setting development.
- They visited both parties but only the Discretionary Review requestor agreed with their suggestions.
- They ask that the top tow floors be set back and that the same treatment be applied to both buildings.

(+) Cesar Ascarruntz

- He has various pictures taken at various times to show the sunlight on the properties.
- His house will be exactly like the next house.
- His house is a block away from a neighbor that states she will be impacted.
- His house is a very simple house with a simple design.
- It is very sad when neighbors are not truthful.

MOTION: To take Discretionary Review and approve with modifications

AYES Antonini and Hughes

NAYES W. Lee and Olague

RESULT: Motion failed

ACTION: Item Continued to November 4, 2004 to allow the absent Commissioners the ability to participate in the final action.

AYES: Antonini, Hughes, W. Lee, Olague

ABSENT: Alexander, Bradford Bell and S. Lee

24. 2004.0802D (W. HASTIE: (415) 558-6381)  
675 ARKANSAS STREET - east side between 20th and 22nd Streets; Lot 29 in Block 4099 - Request for Discretionary Review of Building Permit Application No. 2004.04.21.1841, proposing to construct a two-story deck addition to an existing single-

family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

**SPEAKER(S):**

**(-) Simon Higel – Representing Discretionary Review Requestor**

- He read a letter from the Discretionary Review requestor.
- The subject project will be too large and is completely out of scale.
- There are various signatures from neighbors who oppose the project.
- He displayed a photograph of how the deck will impact his house.

**(+) Yikes Scott – General Contractor – Representing Project Sponsor**

- They have gone through all of the guidelines and this project is well within the guidelines and the Planning Code.
- The building to the left is the neighbor who is opposed to the project. Her deck is above the proposed deck.

- The height of the property on Arkansas Street vs. the size of the project on Connecticut Street is a significant amount.

- A statement was made that work was done without a permit and that is absolutely false.

**(+) Kelley Dermity**

- She has been in the neighborhood for four years.
- She tried very hard to work with the neighbors.
- The neighbor wants a deck that would be a 2 or 3-foot deck. This is a non negotiable solution.

- She hopes that the Commission will not grant Discretionary Review.

**ACTION:** Did not take Discretionary Review and approved the project.

**AYES:** Antonini, Hughes, W. Lee, Olague

**ABSENT:** Alexander, Bradford Bell, S. Lee

**E. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment: 10:00 p.m.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 24, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee, Olague

ABSENT: S. Lee



# SAN FRANCISCO

## PLANNING COMMISSION

### Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 28, 2004

DOCUMENTS DEPT.

MAR - 1 2005

1:30 PM

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Dwight Alexander; Michael J. Antonini, Shelley Bradford Bell,  
Kevin Hughes, Sue Lee; William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:50 p.m.**

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning; Larry Badiner – Zoning Administrator;  
Dan Sider; Paul Lord; Tina Tam; Michael Smith; Ben Fu; Thomas Wang; Dan DiBartolo; Geoffrey Nelson;  
Michael Li; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

#### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2002.1305C (M. SNYDER: (415) 575-6891)  
1096 SOUTH VAN NESS AVENUE - previously Driscoll's Mortuary Chapel, northwest corner of South Van Ness Avenue and 22nd Street, Lot 10 in Assessor's Block 3615 - Request for Conditional Use authorization to establish a full service restaurant and a place of entertainment that would be open until 2:00 am within a building that was previously used as a mortuary. Conditional Use authorization is required for (1) hours of operation between 11:00 pm and 2:00 am pursuant to Planning Code Sections 710.27 and 790.48; (2) the establishment of other entertainment pursuant to Planning Code Sections 710.48 and 790.38; (3) the establishment of a full service restaurant on a lot within ¼ mile of the 24th Street – Mission Neighborhood Commercial District Pursuant to Planning Code Sections 710.42 and 727.42; and (4) the establishment of a restaurant use on the second floor of a building designed for a single tenant pursuant to Planning Code Section 186.2(a) and 186.1(b). No exterior alteration is proposed. The project is within an NC-1 (Neighborhood Commercial, Cluster) District, a 50-X Height and Bulk District, the Mission Alcoholic Restricted Special Use District.  
(Proposed for Continuance to November 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to November 4, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2a. 2004.0130CV

(J. MILLER: (415) 558-6344)

1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in an the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Request for Conditional Use** authorization for use size in excess of 3,000 square feet for a music training facility ("Music City"), with a Full-Service Restaurant and Bar with live entertainment, open after hours (between 2:00 and 6:00 A.M.) also requiring a Variance for off-street parking and usable open space for an upper-floor group-housing use.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 22, 2004)

**NOTE:** On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. *Public comment remains open.*

(Continued from Regular Meeting of September 23, 2004)

(Proposed for Continuance to November 4, 2004)November 18, 2004

SPEAKER(S):

*Re: Continuance*

**Sue Hestor**

- She does not have the staff report on this project and she needs to review the report and write her report on it.
- There will be a subsequent meeting with the interested parties so there would not be enough time to get the information to write her information.
- She requested that the time be extended.

ACTION: Without hearing, item continued to November 18, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2b. 2002.0130CV

(J. MILLER: (415) 558-6344)

1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Off-Street Parking and Usable Open Space Variances** sought in conjunction with the conversion of existing tourist hotel rooms to group housing (residential hotel rooms) and for a Full-service Restaurant and Bar and music training facility ("Music City") with no off-street parking and no outdoor open area.

(Continued from Regular Meeting of July 22, 2004)

**NOTE:** The Acting Zoning Administrator continued this item to September 23, 2004. *Public comment remains open.*

(Continued from Regular Meeting of September 23, 2004)

(Proposed for Continuance to November 4, 2004)November 18, 2004

SPEAKER(S): Same as item 2a.

ACTION: Without hearing, item continued to November 18, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2c. 2002.0129C

(J. MILLER: (415) 558-6344)

835 HYDE STREET - west side between Bush and Sutter Streets, Lot 3 in Assessor's Block 279, in an RC-4 (Residential Commercial Combined, High Density) District and a 130-E Height and Bulk District - **Request for a Conditional Use** authorization for a

Tourist Hotel (conversion of 31 "residential" hotel rooms, being consolidated at another location, to "tourist" rooms) with no off-street parking.

Preliminary Recommendation: Approval with Conditions

**NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.**

(Continued from Regular Meeting of September 23, 2004)

**(Proposed for Continuance to November 4, 2004-November 18, 2004)**

SPEAKER(S): Same as 2a.

ACTION: Without hearing, item continued to November 18, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

3. 2004.0607D (D. DIBARTOLO: (415) 558-6291)  
215-217 COLE STREET - west side between Hayes and Fell Streets: Lot 003 in Assessor's Block 1212 - Request for Discretionary Review of Building Permit Application No. 2003.09.29.5983S, proposing to construct a vertical and rear horizontal addition and to renovate the existing three-story over garage two-unit structure. The project proposes to (1) add one residential dwelling unit at the top floor level, achieved by raising the roof level approximately 2.5 feet at the middle portion of the structure; (2) construct a horizontal addition by extending the rear building wall by approximately 7.5 feet at the first three floor levels; and, (3) renovate and retain the existing design components of the front facade of the structure. The property is located in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Proposed for Continuance to January 20, 2005)

**(Proposed for Continuance to January 20, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

4. (G. GREEN: (415) 558-6411)  
REVIEW AND COMMENT ON INTERIM POLICIES AND CONTROLS FOR THE EASTERN NEIGHBORHOODS - (including eastern SOMA, Showplace Square, and the Mission). Review and comment on adopted policies and initiated draft interim controls, which were established by the Planning Commission on February 12, 2004 to set forth areas for Housing and Mixed Uses, Core PDR (Production, Distribution, and Repair), and Housing/PDR in specified Eastern Neighborhoods Community Plan Areas. This hearing will summarize prior Commission actions and provide an opportunity for the Commission to comment on Staff recommendations for potential policy amendments and modifications to initiated interim controls.

**NOTE: On February 12, 2004, the Commission adopted Resolution 16726 initiating draft controls and Resolution 16727 adopting policies for portions of the Eastern Neighborhoods.**

On May 6, 2004, the Commission adopted Resolution 16783, which amended the boundaries of the SOMA as addressed under Resolution 16727.

On March 25, 2004, Commission President Bradford Bell re-opened the consideration of initiation of interim controls for the Mission, as addressed under Resolution 16726.

On June 3, 2004, without a hearing, the Commission continued the matter to July 1, 2004.

On July 1, 2004, the Commission held a public hearing and continued the matter to September 2, 2004.

On September 2, 2004, following public testimony the Commission closed public hearing for that day and continued the item to October 28, 2004 for policies or controls. If policies, define boundaries and define the NEMIZ. If controls, initiate the process.

(Proposed for Indefinite Continuance)

SPEAKER(S):

*Re: Continuance*

**Curtis Eisenberger – Mission Coalition on Justice and Jobs**

- He is in favor of the continuance.
- He thanked members of staff who helped to open up the process.
- There has not been an opportunity to meet with the interested parties. The current regulations are flawed so time is needed to work on these.

**Fred Snyder**

- He is also in favor of the continuance.
- He submitted a package to the Commission wherein he states some concerns.
- More time is needed to follow through.
- He echoed what Ms. Hestor said about a quick turn around on items.
- No maps have been established.

**Toby Levine**

- She welcomed the new Commissioner.
- She agrees with the continuance.
- There are serious flaws in this. Zoning is just an informational tool when goals have been set.
- The mapping is wrong and needs to be redone.
- There are aspects of a flawed process.
- It is important to look at this again and fix what is wrong.

**Judy Berkowitz**

- She agrees with the continuance.
- There are questions that have to be answered.
- It is important to have at least several meetings.

**Milton Gaines**

- He agrees with the continuance.
- When he submitted data, block by block, about 29 of the blocks were non-conforming.
- Wherever staff got the data it was flawed.
- There have been many suggestions that have been submitted to the Commission.

ACTION: Without hearing, item continued indefinitely

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 5. Commission Comments/Questions

**Commissioner Bradford Bell:**

*Re: Eastern Neighborhoods*

- There was a request for public information on this project.
- Was this information provided?
- Apparently the request for the information was met after the deadline of October 20 and all the information was not submitted.
- She wants to know what the information is that staff believes to be proprietary and cannot be given out to the public. Can this information be given to Commissioners?
- She requested the City Attorney present this information next week.

**Larry Badiner responded:**

- He believes that staff has given out as much information as possible.
- There was some delay while the two different groups of staff coordinated.

- They did provide the information required when it was asked for.
- There is some financial information that has been determined proprietary by Dun and Bradstreet.
- Some members of the public still believe that there is some information that has not been made public.

**William Lee***Re: Role of Planning Commission*

- He has had an opportunity to speak with staff to find out what staff requires from the Commission and the conclusion was that it is important that members of the Planning Commission speak to staff regarding the cases before the meetings.

**Commissioner Antonini:***Re: Eastern Neighborhoods*

- He requested that staff monitor the meetings that will be held between the stake holders interested in the Eastern Neighborhoods.

**Larry Badiner responded:**

- He assured the Commission that he and Interim Director Macris will monitor the meetings that will be held for the Eastern Neighborhoods.

**Commissioner Olague:***Re: Eastern Neighborhoods*

- She was curious to know what Long Range Planning's role is in the Eastern Neighborhoods.

**Larry Badiner responded:**

- Long Range Planning is still assigned to the Eastern Neighborhoods.
- They have been invited to the meetings but have not shown up.

**Commissioner Sue Lee:***Re: Commissioner Calendar*

- She just realized that two meetings in November are cancelled and the pending items in December are quite a lot.
- It is important to manage the calendars more efficiently. Perhaps adding a December 16 meeting is necessary to take care of cases that have been languishing and have been continued from meeting to meeting.

**Commissioner Antonini:***Re: Commissioner Calendar*

- He also agrees with adding a meeting back to the schedule.

**C. DIRECTOR'S REPORT****6. Director's Announcements***Re: Dwelling Unit Merger Policy*

- Applicants will find a way to avoid the Discretionary Review process.
- There have been a lot of applications regarding unit merger reconfiguration.

**7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS –****Land Use Committee***Re: Movie Demolition Provisions*

- This was heard by the Commission last week. The information was passed on to the Committee.

- The Committee passed it to the full Board with the recommendations from the Commission. This information also includes the definition of what economic hardship is.

**BOA – None**

**D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

*None*

**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

8. 2004.0797C (D. SIDER: (415) 558-6697)  
1728-1748 HAIGHT STREET - between Cole and Shrader Streets; Lot 35 in Assessor's Block 1229 - Request for Conditional Use Authorization to modify conditions of approval set forth in Planning Commission Motion Number 15935 and relating to Planning Department Case Number 99.209C to allow payment of an in-lieu affordable housing fee rather than provide on-site affordable housing, pursuant to inclusionary housing policies set forth in Planning Commission Resolution Number 13405. In October of 2000, the City authorized construction of a 4-story over basement building containing 32 dwelling units, 14,200 gross square feet of commercial space, 75 below-grade parking spaces, and an accessory building with 2 townhouse units. This building is now complete. Conditions of approval require three of the proposed units to be provided as Below Market Rate (BMR) units. This proposal would modify previous conditions of approval to allow the payment of an in-lieu fee to the Mayor's Office of Housing rather than provide the 3 required BMR units on-site. No physical work is proposed. The property is within the Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

NOTE: On October 21, 2004, following public testimony, the Commission closed the public hearing and entertained a motion to approve. The motion failed to pass by a vote of +3-3; Commissioners Alexander, Olague and Bradford Bell voted No; Commissioner S. Lee was absent. The Commission then continued the item to October 28, 2004, to allow absent Commissioner the ability to participate in the final action.

SPEAKER(S): None

ACTION: Approved as Proposed

AYES: Antonini, Bradford Bell, Hughes, W. Lee

NAYES: Alexander, Olague, S. Lee

MOTION: 16874

**F. REGULAR CALENDAR**

9. 2004.0399DD (G. CABREROS: (415) 558-6169)  
2121-2123 LEAVENWORTH STREET - west side between Greenwich and Filbert Streets, Lot 002 in Assessor's Block 0094 - Requests for Discretionary Review of Building Permit Application No. 2003.08.28.3345, proposing to construct a new fifth floor and a side horizontal addition to the existing four-story, two-unit building in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Continued from Regular Meeting of September 23, 2004)

SPEAKER(S): None

ACTION: Discretionary Reviews Withdrawn

10. 2004.0683D (G. CABREROS: (415) 558-6169)  
2812 WASHINGTON STREET - north side between Divisadero and Scott Streets, Lot 012 in Assessor's Block 0979 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application 2004.05.12.3625 proposing to reduce five dwelling units to three units within a four-story building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve merger.

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 11a. 2004.0336D (T. TAM: (415) 558-6325)  
1144 PLYMOUTH STREET - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.09.06.5881 (dwelling at the front) to demolish an existing one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S):

(-) Victor Kwok – Representing Discretionary Review Requestor

- He displayed a photograph showing that several of the buildings on the block are set back.

- The proposed project is unique because it is not setback.  
- He is not asking for a reduction in scale. He is just asking for the building to be designed the same as the other buildings on the block.

(+) Lincoln Lue – Project Architect

- The project sponsor is here and is available to answer questions.  
- The building is very old and in need of repair.  
- The building should be demolished.  
- They have been waiting a long time for this hearing.  
- The owner of the property has lost the income of this property for a long time.  
- The design of the buildings meets the aesthetic design of the neighborhood.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 11b. 2004.0759D (T. TAM: (415) 558-6325)  
1144 PLYMOUTH STREET - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.09.06.5882 (dwelling at the rear) to demolish an existing one-story,

single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): Same as those listed for item 11a.

ACTION: Did not take Discretionary Review and approved the demolition

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

11c. 2004.0758DD

(T. TAM: (415) 558-6325)

1144 PLYMOUTH STREET - east side between Ocean and Holloway Avenues, Lot 34 in Assessor's Block 6943 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new construction to replace demolished housing, of Building Permit Application No. 2002.09.06.5878S, for the construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District. On October 12, 2004, the adjacent neighbor at 1148 Plymouth filed a **separate Discretionary Review** request on the new construction.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of October 14, 2004)

SPEAKER(S): Same as those listed for item 11a.

ACTION: Did not take Discretionary Review and approved the project

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

12. 2004.0631D

(M. SMITH: (415) 558-6322)

21-23 JERSEY STREET - south side between Church and Dolores Streets, Lot 042 in Assessor's Block 6535 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2004.07.01.7869, proposing to merge two dwelling units into a single dwelling unit, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Disapprove Merger

SPEAKER(S):

(+) Andrew Offlett – Project Architect

- He attempted to file a dwelling unit merger about four years ago.
- The merger policy that the Commission adopted came after he filed for a merger.
- They were told that they had to revise their submittal.
- He is asking that the Commission honor the policy when he originally submitted this.
- All neighbors are not against the merger.
- He feels that they have met all the criteria for this project.

ACTION: Took Discretionary Review and disapproved the merger

AYES: Alexander, Bradford Bell, Hughes, S. Lee, Olague

NAYES: Antonini and W. Lee

13. 2004.0780T

(P. LORD: (415) 558-6311)

HAIGHT STREET FORMULA RETAIL CONDITIONAL USE REQUIREMENTS - **Consideration of an Ordinance amending Planning Code Section 707.3 to designate formula retail uses as a Conditional Use in the Haight Street Neighborhood Commercial District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.**

Preliminary Recommendation: Approval  
(Continued from Regular Meeting of October 21, 2004)

SPEAKER(S):

(-/) Kevin Strain

- He was just notified of this legislation and this meeting yesterday.
- None of the property owners in the Haight have been notified.
- He requested that the item be continued for 60 days.
- This is restricting unnecessary use.

(-/) Matthew Br

- People who live near a project site should be notified of what is going on.
- He requested that this legislation be continued for about 60 days.

(-/) Mark Brennan

- This legislation has surprised many people, especially property owners.
- The noticing was not adequate.
- He lives on Haight Street and he can tell the Commission that the street is in trouble.
- There are a number of problems on that street, but there are a lot of storefronts as well.
- This matter should be continued until the people involved are allowed to be notified and come to speak.

(-/) Flip Sarrow

- The merchants are in support of formula business.
- They need to have an opportunity to be notified and to have a say.
- There are a lot of empty storefronts.
- He hopes that the neighborhood will have this legislation.

(-/) Joe O'Donoghue

- There are people that did have an opportunity to read the legislation.
- The Commission listens to land use matters and this is an important land use matter.
- Property owners should not be treated differently.
- The Commission should continue this matter. It will not affect the hearing that will be held at the Board of Supervisors.

(+) Peter Cohen

- He does not live in the Haight District but he participated in forming the legislation.
- There were many mechanisms that were included to form formula retail.
- This legislation was designed to be very centralized and it gives the chance for individual neighborhoods to determine what formula retail they need.

ACTION: Approved

AYES: Alexander, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

NAYES: Antonini

RESOLUTION: 16875

14. 2004.0962C (T. WANG: (415) 558-6335)  
50 THOMAS MORE WAY - on the southwest corner of Thomas More and Brotherhood Ways; Lots 010 and 011 in Assessor's Block 7380 - **Request for Conditional Use** authorization pursuant to Planning Code Sections 209.3 (g) to allow St. Thomas More School the addition of a third story, approximately 3,800 square feet of floor area, to a two-story classroom building, which was authorized under a previous Conditional Use Case No.2004.0306C (Motion No. 16815) in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****Mark Siber – Project Sponsor**

- They previously requested an approval for a Conditional Use for a classroom addition and a gymnasium addition. As the work progressed they discovered a need to fit in this third floor piece above the second floor piece.
- The new work does not change the footprint of the building and fits within the height limit that was already approved.

**ACTION:** Approved**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague**MOTION:** 16876

15. 2004.0141C (B. FU: (415) 558-6613)  
100 FELTON STREET - northwest corner of Girard avenue and Felton street - Lot 013, Assessor's Block 5926 - Request for Conditional Use authorization under Planning Code Sections 209.6(b) to install a wireless telecommunications facility consisting of 6 panel antennas and related equipment on an existing three-story publicly-used structure (church) as part of Cingular Wireless' wireless telecommunications network in a Location Preference 1 (Preferred Location – Publicly-Used Structure), according to the Wireless Telecommunications Services (WTS) Siting Guidelines, within a RH-2 (Residential – Two Family) Zoning District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****Tony Kim – Representing Cingular Wireless**

- There is currently poor coverage in the area.
- There were community meetings and 513 trilingual notices within a 500-foot radius were sent out.
- 50 members of the public attended.
- Translators were present at the meeting.
- He submitted the figures of the blocked and dropped calls for the area.
- The RF Frequency report was approved by the Health Department.
- This is a location preference one. It is the best location to provide reliable coverage for the Portola area.

**(-) Hazel Lee**

- She lives on San Bruno Avenue.
- She did not receive any information from Cingular Wireless about the installation of this antenna.
- She just heard that at the Cow Palace is not the hot Portola area.
- She requests that this project be continued. There is not enough information regarding the zoning map.
- Not too many people attended the community meetings.

**(-) Lina (did not state last name)**

- She lives near the church.
- They are very concerned about this matter.
- The first meeting was October 18 and they had only two days to get the information.
- About seven people attended the first meeting.
- Most of the neighbors are upset about this. They are more concerned about their health than better reception with their cell phones.

**(-) David Lee**

- He has lived in San Francisco for about 20 years.
- His home is very close to where the antennas will be installed.
- He did not attend the meeting because he was in school.
- His neighborhood is a high-density residential district.

- There are many family day care centers at close proximity to the antenna location.
  - (-) Howard Woo**
    - He lives on Girard Street.
    - The medical field always has something to say about the health hazard when using cell phones.
    - He worries about this but he worries more about the younger generations because they will be the future of this country.
    - It is important to give youngsters an opportunity to have good health.
    - Most of the people who attended the community meetings did not understand what was going on.
    - He urged the Commission to disapprove or delay the project.
  - (-) Simon Leu**
    - He lives on Gerard Street.
    - There are a lot of people in the neighborhood who do not speak English.
    - The community is a high-density residential district.
    - There are many schools near the church where the antenna will be located.
    - According to his research, it was discovered that when people are exposed to antenna radiation it causes cells to form cancer.
    - In order to ensure that there is a safe environment, this proposal should be denied.
  - (+) Ruben Arellano**
    - He is the pastor of Apostolic Assembly of Hayward.
    - He encouraged the Commission to approve this application.
    - They have been a cellular site for five years. They are not only a blessing to the community but the cellular company is a blessing to them.
    - It would be a terrible thing if someone was being mugged and his or her cell phone had no signal.
    - No one has died from this.
    - It is a service that is needed for the community.
    - The income is also very beneficial to the church.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16877

16a. 2002.0928CEV (D. DIBARTOLO: (415) 558-6291)  
7-11 VANDEWATER STREET (AKA 9 VANDEWATER) AND 418-420 FRANCISCO  
STREET - a through lot between Powell and Mason Streets; Lots 009 and 019 in Assessor's Block 0041 - Request for Conditional Use authorization to merge two assessor's lots into one single lot greater than 5,000 square feet per Section 722.11 of the Planning Code. The proposal is to demolish two existing one story commercial structures at the Vandewater Street frontage and to construct a new four-story building with nine dwelling units over a garage. The project retains the existing two-story mixed-use structure on Francisco Street by rehabilitating the façade and adding a new partial third floor. The existing residential unit would remain and occupy the two-story space above the approximately 900 square foot ground floor commercial space that would also be retained. The Zoning Administrator at this concurrent public hearing will also consider a rear yard modification and variance request, within the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

**SPEAKER(S):**

(+) Michael Jack – Project Architect

- He is available for questions.

**(+) Jeremy Nelson – Transportation for a Livable City**

- He reviewed the negative declaration and did not see what the impacts would be of the one-to-one parking.
- This seems to be an oversight.
- 78 percent of household in the area commute by public transportation.
- There are quite a few high concentrations of vehicle accidents and pedestrians in the area.
- The width of the entrance to the project is questionable.

ACTION: Approved as Amended:

Add the following to the Conditions of Approval:

**DESIGN**

10. The Project Sponsor shall continue to work with the Department on design development, including, but not limited to, aspects such as the refinement of architectural features and the use of exterior finish materials with specific attention to minimize the apparent width of the garage entrance (change of materials used for side venting louvers).

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16878

- 16b. 2002.0928CEV (D. DIBARTOLO: (415) 558-6291)  
7-11 VANDEWATER STREET (AKA 9 VANDEWATER) AND 418-420 FRANCISCO STREET - a through lot between Powell and Mason Streets; Lots 009 and 019 in Assessor's Block 0041 - **Requests for Variances.** The proposal is to merge two assessor's lots into one single lot greater than 5,000 square feet; to demolish two existing one story commercial structures at the Vandewater Street frontage; and to construct a new four-story building with nine dwelling units over a garage. The project retains the existing two-story mixed-use structure on Francisco Street by rehabilitating the façade and adding a new partial third floor. A rear yard modification is sought under Section 134 (e) to provide a rear yard open space within an inner court. A variance is sought from dwelling unit exposure requirements, as the horizontal dimensions of the inner court do not meet the requirements for an open area as defined under Section 140 (a)(2) for dwelling unit exposure, and six of the ten units have no exposure other than this inner court. The site is within the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

SPEAKER(S): Same as those listed for item 16a.

ACTION: The Zoning Administrator closed the public hearing and has taken the matter under advisement.

17. 2004.0370C (G. NELSON: (415) 558-6257)  
3640 BALBOA STREET - north side between 37th and 38th Avenues; Lot 005F in Assessor's Block 1580 - **Request for Conditional Use authorization** pursuant to Section 161(j) of the Planning Code to allow the construction of two dwelling units without off-street parking. The proposal is to alter a mezzanine story within an existing 20-foot tall commercial structure and to add two additional floors to the building, resulting in an approximately 40-foot tall, four-story building. The two top floors will each contain a dwelling unit. The reconfigured second floor contains storage space ancillary to the restaurant below (considered a Full-Service Restaurant per Section 711.42 Section 711.53 of the Code). The subject property is within an NC-2 (Small Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.  
(Continued from Regular Meeting of October 7, 2004)

**NOTE:** On October 7, 2004, the Commission entertained a motion to approve by a vote +2 –3. The motion failed to carry. Commissioners Hughes, S. Lee, and Olague voted no. Commissioner Bradford-Bell was absent. The Commission continued the matter to October 28, 2004 by a vote +4 –1 (Commissioner Hughes voted No) requiring more information about the effects on local businesses (specifically the Balboa Theater) and receive input from the owners of the Sugar Bowl Bakery regarding their displacement. *Public Hearing Remains Open.*

**SPEAKER(S):**

**(+) Edward Low – Representing Project Sponsor**

- He is available for questions.

**(+) Jeremy Nelson – Transportation for a Livable City**

- They continue to support the parking requirements for this project.
- This project should move forward.

**ACTION:** Approved

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Alexander and Bradford Bell

**MOTION:** 16879

- 18a. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507- Adoption of CEQA findings regarding the proposed establishment of the Tenth and Market Streets Special Use District, the construction of two residential buildings containing a total of up to 450 dwelling units, and the potential construction of an office building for occupancy by the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the CEQA findings  
(Continued from Regular Meeting of October 21, 2004)

**SPEAKER(S):**

**(+) Don Faulk – Director of Housing Development for Tenderloin Neighborhood**

- They have undertaken other housing projects. One was approved three weeks ago.
- They adopted goals to develop affordable housing.

**(+) Dan Bulkley - Executive Director of Citizen Housing**

- He is glad that the City is supporting them on moving housing ahead.
- He does not know what the affordability of the units are until they submit information to the state.

- He is asking for flexibility on the parking until they get more information on affordability.

**(+) Merle Malakoff – Mercy Housing California**

- They control a housing project across the street.
- They have been in close communication with the project sponsors of this project to monitor how the proposed project fits in with the Redevelopment Project Area.

**(+) Byron Yee – Chair of the Mid-Market Committee**

- This project is very aggressive in regards to housing needs.
- He hopes that the Commission will approve this project.

**(+) David Acton – Commercial Owner of the Mid-Market Area.**

- They looked at this project several times and are in full support of it.
- The more flexibility allowed, the better for the project.

**(+) Tom Hart – Shorenstein Company**

- He is a member of the Mid-Market PAC.
- He has been working closely with the designers of this project.
- This is a good project for the area.

- This project adds to the housing stock in the City and puts "feet and eyes" in the area.
- (+) Jeremy Nelson – **Transportation for a Livable City**
- They support in general the housing this project will provide.
- The environmental report does not provide expanded information on the impacts of traffic and pedestrians.
- Transit first policy directs project sponsors to consider the public transportation in the area.

(+) Jeff White – **Redevelopment Agency**

- He has been working with the sponsors of this project for over a year.
- Redevelopment Agency has been working closely with the Planning Department on the Mid-Market Development Plan.
- The adoption of the plan may increase the Inclusionary housing requirement in the planned area.

ACTION: CEQA Findings Adopted with the corrected date of October 28, 2004.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Bradford Bell  
MOTION: 16880

- 18b. 2003.0262E!KXCVMRTZ (M. Li: (415) 558-6396)  
1401-1435 MARKET STREET, southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 – **Request for a General Plan referral** to determine if the vacation and sale of Jessie Street, related to the construction of two residential buildings with a total of up to 450 dwelling units and the potential construction of an office building for occupancy by the City and County of San Francisco, are in conformity with the objectives and policies of the General Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Determine that the vacation and sale of Jessie Street are in conformity with the objectives and policies of the General Plan

SPEAKER(S): Same as those listed for 18a.  
ACTION: Approved  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Bradford Bell  
MOTION: 16881

- 18c. 2003.0262E!KXCVMRTZ (M. Li: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block - **Request for a Planning Code text amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The Planning Code text amendment consists of adding Section 249.27 to the Planning Code, which would establish the Tenth and Market Streets Special Use District and include the following provisions: (a) eliminate residential density restrictions, (b) exempt residential uses from the calculation of floor area ratio, (c) provide a height exemption of up to 30 feet for elevator and mechanical penthouses, and (d) allow residential parking up to a ratio of one independently accessible space for each dwelling unit with conditional use authorization. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of October 21, 2004)

SPEAKER(S): Same as those listed for 18a.

ACTION: Without hearing, item continued indefinitely.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Bradford Bell

- 18d. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 - **Request for a zoning map amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The zoning map amendment consists of adding the Tenth and Market Streets Special Use District to Map 7SU of the Official Zoning Maps of the City and County of San Francisco. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of October 21, 2004)
- SPEAKER(S): Same as those listed for 18a.  
ACTION: Without hearing, item continued indefinitely.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Bradford Bell
- 18e. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET - southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within the C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts - **Request for a General Plan amendment** related to the proposed establishment of the Tenth and Market Streets Special Use District. The General Plan amendment consists of adding the Tenth and Market Streets Special Use District to Map 1 ("Downtown Land Use and Density Plan") of the Downtown Area Plan and adding Policy 2 to Objective 6 of the Downtown Area Plan. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Adopt the draft resolution  
(Continued from Regular Meeting of October 21, 2004)
- SPEAKER(S): Same as those listed for 18a.  
ACTION: Without hearing, item continued indefinitely.  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Bradford Bell
- 18f. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET, southwest corner at 10th Street; Lot 039 in Assessor's Block 3507- **Request for a Section 309 Determination of Compliance and Request for Exceptions.** The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units. The project requires separation of towers, rear yard, loading, wind, and bulk exceptions pursuant to Section 309(a). The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.  
Preliminary Recommendation: Approve with conditions
- SPEAKER(S): Same as those listed for 18a.  
ACTION: Approved  
AYES: Antonini, Hughes, S. Lee, W. Lee, Olague  
NAYES: Alexander and Bradford Bell  
MOTION: 16882
- 18g. 2003.0262E!KXCVMRTZ (M. LI: (415) 558-6396)  
1401-1435 MARKET STREET, southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 – **Request for conditional use authorization** to (1) provide residential

parking for the 10<sup>th</sup> Street Building exceeding an amount classified as accessory (220 residential spaces are requested where 93 independently accessible spaces would be allowed as-of-right), (2) allow additional FAR above the base FAR of 6.0 to 1 and up to a maximum FAR of 9.0 to 1 for the construction of affordable dwelling units, and (3) exceed the residential density ratio of one unit for every 125 square feet of lot area as part of a proposal to construct two residential buildings containing a total of up to 450 dwelling units. The property is currently within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts.

Preliminary Recommendation: Approve with Conditions

SPEAKER(S): Same as those listed for 18a.

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Alexander and Bradford Bell

MOTION: 16883

18h. 2003.0262E!KXCVMRTZ

(M. LI: (415) 558-6396)

1401-1435 MARKET STREET, southwest corner at 10th Street; Lot 039 in Assessor's Block 3507 within a C-3-G (Downtown General Commercial) District and 320-S, 200-S, 150-S Height and Bulk Districts – **Permitted obstructions variance sought**. The proposal is the construction of two residential buildings containing a total of up to 450 dwelling units. Section 136(c)(19) of the Planning Code allows fences and windscreens not exceeding a height of 10 feet above grade within the required rear yard. The proposed residential buildings will include a fence/windscreen exceeding a height of 10 feet within the required rear yard. The variance will be considered by the Zoning Administrator.

SPEAKER(S): Same as those listed for 18a.

ACTION: Zoning Administrator closed the Public Hearing and granted the variances.

## G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment: 6:31 p.m.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE  
PLANNING COMMISSION ON THURSDAY, FEBRUARY 24, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 4, 2004

1:30 PM  
Regular Meeting

DOCUMENTS DEPT.

FEB 22 2005

SAN FRANCISCO  
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Shelley Bradford Bell, Kevin Hughes, Sue Lee, William L. Lee, Christina Olague

COMMISSIONERS ABSENT: Michael J. Antonini and Dwight Alexander

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 2:00 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director and Zoning Administrator; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

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#### STATEMENT:

*Commission Secretary made the following statement:*

In the processing of the calendar for this week, there are a variety of entities where the calendar needs to be sent and posted. The calendar gets posted on our website and is sent on Fridays. This week the calendar was sent to all the email list, the regular mail list, it was posted at the public library, it was posted at City Hall, it was posted at the Planning Department building and it was recorded on the 558-6422 number.

It was however, not posted on the Planning Department website. The Sunshine ordinance has a provision that if a member of the Commission decides to hold this meeting, they would be found in official misconduct. Therefore, this meeting will not be held. Meeting was convened only to continue this calendar in its entirety to Monday, November 29, 2004.

ACTION: Approved to continue items to November 29, 2004.  
AYES: Bradford Bell, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Antonini and Alexander

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 17, 2005.

SPEAKERS: None  
ACTION: Approved  
AYES: Bradford Bell, Hughes, S. Lee, W. Lee, Olague  
EXCUSED: Alexander and Antonini



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 18, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

FEB 22 2005

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Dwight Alexander; Michael J. Antonini, Shelley Bradford Bell,  
Kevin Hughes, Sue Lee; Christina Olague

**COMMISSIONERS ABSENT:** William L. Lee

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.

**STAFF IN ATTENDANCE:** Gerald Green – Director of Planning; Larry Badiner – Zoning Administrator;  
Dan Sirois, Dan DiBartolo; Dan Sider; Jim Miller; Adam Light; Paul Lord; Lois Scott; David Alumbaugh;  
Dominick Argumedo; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0353C (G. NELSON: (415) 558-6257)  
2241 GEARY BOULEVARD (AKA 2130 O'FARRELL STREET) - south side between Broderick and Divisadero Streets; Lot 050 in Assessor's Block 1098, in an NC-3 (Moderate Scale-Neighborhood Commercial) District and a 105-E Height and Bulk District - **Request for Conditional Use authorization** pursuant to Section 712.83 of the Planning Code to install a total of 6 antennas on a rooftop penthouse and related equipment on the 6th floor parking deck of the approximately 70-foot tall Kaiser Hospital Parking Garage, as part of Sprint's telecommunications network. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 1 (most preferred) as it is a publicly-used structure. No other cellular carriers have installations at this location.  
Preliminary recommendation: Pending  
**(Proposed for Continuance to December 2, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

- 2a. 2001.0249CV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Conditional Use authorization** for a building exceeding 35 feet in height in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site. No parking would be provided. Both a parking and a rear yard/site coverage variance would be required and will be considered by the Zoning Administrator at the same hearing as the Conditional Use authorization. Required open space would be provided on a rooftop terrace.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of October 7, 2004)  
(Proposed for Continuance to December 9, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

- 2b. 2001.0249CV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Variance for rear yard/site coverage and parking** for a building in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site, and no parking would be provided. Required open space would be provided on a rooftop terrace. Conditional use authorization is also required for a building in the CCB to exceed 35 feet in height.  
(Continued from Regular Meeting of October 7, 2004)  
(Proposed for Continuance to December 9, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

3. 2004.1089D (B. FU: (415) 558-6613)  
657 RHODE ISLAND - east side between 18th and 19th Streets; Lot 006 in Assessor's Block 4031- **Request for Discretionary Review** of building permit application no. 2003.11.10.9875 proposing to construct a new two-story over garage, two-family dwelling located in an RH-2 (Residential House, Two-Family) District and in a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve permit as proposed  
(Proposed for Continuance to December 9, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

4. 2004.0389D (J. PURVIS: (415) 558-6354)  
684 ARKANSAS STREET - west side between 20<sup>th</sup> and 22<sup>nd</sup> streets; Lot 016 in Assessor's Block 4098 - **Neighbor-initiated Discretionary Review** on the proposed conversion of a single-family dwelling to a two-family dwelling with vertical and horizontal extensions, under Building Permit Application No. 2003.05.22.5290. The site is in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
(Continued from Regular Meeting of October 7, 2004)  
**(Proposed for Continuance to January 20, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

## B. COMMISSIONERS' QUESTIONS AND MATTERS

5. Commission Comments/Questions

**Commissioner Antonini:**

- He welcomed Dean Macris taking THE role as acting director.
- He thanked Mayor Newsom for his own swearing in.
- He thanked everyone who has supported him as a Commissioner.

**Commissioner Bradford Bell:**

- The Commission will adjourn in memory of Commissioner Antonini's Father: Joseph Antonini who passed away at the age of 90.

**Commissioner Olague:**

*Re: 342 21<sup>st</sup> Avenue*

- She received a letter from the office of the Discretionary Review requestor regarding the revised plans submitted by the developer and that they are not similar to the ones approved by the Commission.

*Zoning Administrator Badiner responded:*

- He had an opportunity to speak with Steve Williams before the hearing today and he also had a discussion with the Commissioners whether in fact the Commission wanted to eliminate the possibility of eliminating the third unit.
- He felt that this was what the Commission intended to do.
- He spoke to the Project Sponsor and is not sure if the plan is to cancel the project or submit revisions.
- Right now, it is premature to deny it.

**Commissioner Olague:**

*Re: 755 22<sup>nd</sup> Avenue*

- She received a request to schedule this.
- She believes that the vote was +2-3.

*Zoning Administrator Badiner responded:*

- He would have to check with the City Attorney or the Commission Secretary.

*Commission Secretary responded:*

- Unless the project is still at the Planning Department, the Commission does not have a mechanism to revisit this.

*City Attorney responded:*

- If it is in the Department, it could be called back.

**Commissioner Sue Lee:**

*Re: Open December 16, 2004 as a regular meeting*

- There will be a quorum so cases can be scheduled.

**Commissioner Olague:**

*Re: 4<sup>th</sup> Vote*

- When the Commission does not have a 4<sup>th</sup> vote, what would this mean to the Commission or the project presenters.

**Zoning Administrator Badiner responded:**

- In the case of Discretionary Reviews, where the project is in conformance with the Planning Code and someone is requesting that the Commission use their special DR policy and the Commission does not do that because there is no 4<sup>th</sup> vote, then the project is considered approved unless it is continued to a future date.
- In the case of Conditional Use or other types of cases, where the project requires an approval by the Planning Commission to go ahead, if there is no 4<sup>th</sup> vote, the project is disapproved, unless there is a request to continue to a future date.

**Commission Secretary responded:**

- On the Conditional Use only: Unless there are findings before the Commission, for this opposite action, then it has to be considered as an intent to disapprove. Findings would then need to come to the Commission before there is a final action.

6. Discussion and consideration of possible action to amend the Rules and Regulations of the San Francisco Planning Commission to:

- Amend the Order of Business to consider moving Public Comment from the end of the calendar to another area on calendar;
- To define consent calendar procedures for those projects not in Neighborhood Commercial and South of Market districts, which already have procedures set forth under Planning Code 316; and
- To update various other rules that are not in conformity with the City's Administrative Code (Sunshine Ordinance) and/or Charter.

*This item was continued to a future date to allow the Commission Secretary and City Attorney to review the areas where the rules are not in conformity with the Administrative Code.*

**SPEAKER(S):****Tony Kelley – Potrero Boosters**

- He agrees with moving public comment to the beginning of the calendar.
- Perhaps having it at a certain time might be an idea.

**Nilka Julio – Local 21**

- Restoring public comment to a time certain would be best.
- A fixed and limited time would go a long way to have better communication between the Planning Commission and the public.

**Gloria Williams**

- She would like to have a time specific time for public comment.
- Or perhaps having several periodic times for public comment.
- Even though there is the opportunity to email or write comments, there are some issues that are just very important.

**William Hall**

- He is from the Apollo Hotel.
- Public comment should be in the afternoon and not late at night.

**Patrick Waterman**

- Having public comment at the end of the calendar is an inconvenience for a lot of people.

**James Collins**

- He is from Mission Agenda.
- Public comment should be held at the beginning of the hearing. There are many people that are disabled and cannot stay to speak at the end of the hearing.

**Joe Shipman**

- He is a member of the Carpenter's Union.
- It is extremely difficult to stay until the end of the meetings to be able to speak during public comment.

**Richard Marquez**

- Many people have had to wait hours and hours to speak on a matter that is important to them.
- It is important to protect the precious right to speak during public comment but at the beginning of the calendar.
- Please move forward with public comment at the beginning of the meetings.

**Bruce Allison**

- Public comment should be split into two parts – one at the beginning and one at the end.
- Another idea would be to set up a hot line for people to call and give their comments on an item.

**Sylvia Flores**

- She is a mother of three and lives in a small place where the rent is quite high.
- She would like the Planning Department to create homes where there is affordable rent.
- It is very difficult for her to come here and give her testimony.
- It is important to have public comment at the beginning of the agenda.

**Sean Williams**

- He is with Mission/6<sup>th</sup> Street Agenda.
- It is frustrating to come to the meetings and wait so long to be able to speak.
- People have a lot of things to do during the day.
- People should be able to speak first.

**Bruce Wolfe**

- He is a social worker and a person with a disability.
- It is very difficult for many people to wait for long periods of time.
- He realizes that it is also difficult for the Commission to stay at the meeting for long periods of time.
- It is important to have public comment at the beginning of the meeting.

**Chuck Choy**

- He supports moving public comment to the beginning of the hearing.

**Antonio Diaz**

- He is with PODER and MAC.
- He would like to reinstate public comment at the beginning of the meeting.

**Cris Durazo**

- He is from the SOMA Community Action.
- Public comment should be moved to the beginning.
- Many people she works with do not have the opportunity to come to the hearings.
- Not everything that the Commission does is project approval.

**Charles Marsteller**

- He thanked the Commission for taking this issue up.
- The Board of Supervisors suspends the rules at 3:00 to pick up a fixed agenda. This might be a good idea for the Planning Commission. This time can be limited. The number of people can be limited also.
- This would eliminate people having to be here all day.

**Norman Rolf**

- He urges the Commission to move public comment to the beginning of the agenda.
- One of the reasons is to have the Commission hear from the public.

**Mary Ann Miller**

- She is speaking for SPEAK.
- They are among one of many neighborhood groups that would like to come to speak at the hearing.
- Having public comment at the beginning of the agenda would be ideal.

- During the previous Commission, the public comment period was never abused.

**Bill Murphy**

- He is a third generation San Franciscan predominantly in the Mission District.
- There have been a lot of changes and many do not look good.
- People that live here have a say. Being able to come to the hearing and speak at the beginning would be ideal.

**Chris Cole**

- Everywhere procedures are used that are fair.
- People that have spoken here today cannot come to speak at the end of the hearing.
- People should be able to speak at the beginning of the calendar.

**Sue Hestor**

- If there has not been any valuable information said during public comment that is because it happens so late that no one comes.
- Public comment should be allowed at the beginning of the calendar.

**Azalia Merrell**

- The public will be best served by having public comment at the beginning and at the end of the calendar.
- There are many people that work during the day and can speak at the end of the calendar and there are elderly and disabled people that do not go out in the late afternoon.

**Jim Salinas**

- This Commission has taken great steps to have good communication between themselves and the public.
- People do work and most people work until 5:00 p.m.
- Public comment is set aside for items that are not on the agenda.
- There are drawbacks on both sides so there is no ideal situation.

**Jeremy Nelson**

- He agrees that having public comment is best at the beginning therefore they are able to use public transportation or walk to the hearing.
- If public comment is at the end, it causes them to drive or to not come at all.
- Having two certain times for public comment would be best.

**ACTION on point one:**

- 1) Put a public comment category at the beginning of the calendar – right before the regular calendar category with a maximum time of 15 minutes—[i.e. five speakers could have up to three minutes each].
- 2) Keep the public comment category for closed items.
- 3) Keep the public comment category at the end of the calendar.
- 4) Commission to review in six months.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

**ACTION on point two:**

Adopt staff recommendations to define consent calendar procedures.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

**Commissioner Antonini:**

- Consider having a hearing to discuss the canceled 5<sup>th</sup> Thursday and there is a holiday, it impedes having a hearing.
- This should be done during the second hearing of January 2005.

**Commission Secretary:**

- She reminded the Commission that the packet information provided to them for the November 4 hearing, which was cancelled and continued to November 29, is still current. She recommended that they not misplace this information.

**C. DIRECTOR'S REPORT****7. Director's Announcements**

*Acting Director Dean Macris gave the following report:*

- He is very pleased to be working with the Commission.
- He has been here 2 ½ weeks and everything is starting out good.
- It is important to speak in one voice.
- He has had an opportunity to speak with all the sections of the department.
- It is important to integrate decision making within the department.

*Re: Backlog*

- There are 246 active cases in the Environmental Review Section with only 12 staff people to deal with these cases.
- It is important to be on top of this workload.
- DHR will have the material ready for hiring Planners I to IV.
- There is no substitute for a good solid professional staff.
- It is important to get to 132 people budgeted to improve productivity.

*Re: Commission's Priorities*

- One of the priorities of the Commission is the change of land uses from downtown to the south.
- The Eastern Neighborhoods EIR is paramount.
- Staff needs to find a way to provide good solid information to the Commission.
- He has talked to the firm ESA, who is responsible for the EIR, and they have assured him that they will give the Eastern Neighborhoods EIR top priority.
- There are actions at the Board of Supervisors that need to be dealt with as well, like Supervisor Maxwell's interim controls legislation.
- The most affected agencies in City government should be involved in the decision making process in terms of the departments to bring to the Commission its solid thinking.
- A team is being formed that includes, The Office of Economic Development, The Office of Housing, The Port Director and the Redevelopment Director, to discuss the issue of some of the immediate pressures of PDR.

*Re: Search for New Director*

- He has talked to the Committee of the Commission and would like to meet individually with the Commissioners about that.
- A search firm has been nominated to help with finding a new director.
- He hopes to be able to talk to the national leaders about their ideas on this important position.

**Commissioner Hughes:**

- Thanked Dean Macris for taking this interim position.

*Zoning Administrator Badiner stated:*

Re: 19<sup>th</sup> and Oakwood Project

- This is a condominium project that was approved many years ago.
- The project was sold to a different developer and modifications were made to it.
- Was this in general conformity with the approval?
- He asked the developer to conduct community meetings and to speak with the Supervisor of that district.
- On September 29, he issued a letter of determination finding this project in general conformity with the conditions that the Commission approved.
- The letters were appealed. This is scheduled for hearing on January 19.

*Re: 724 Van Ness Avenue*

- The Commission approved this project about two years ago.
- Project Sponsor filed a permit to provide 110 units. There were some concerned citizens.
- He issued a letter that going from 144 units to 110 units was in general conformity.
- The owner came back and stated he would do 132 units.
- He stated orally that he could support this and he would like to see the plans.

8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS –**

*Re: Eastern Neighborhoods*

- There are various processes going on with this.
- The Rules Committee passed out of Committee Supervisor Daly's resolution that establishes a 22 member western SOMA citizen's planning task force.
- Senior Planner Paul Lord was present at this hearing.
- The Land Use Committee will hear this coming Monday, Supervisor Maxwell's resolution imposing interim controls on certain lots within the Showplace Square area.
- Interim Controls that are initiated by the Board do not go before the Commission. If the Land Use Committee passes this it will go directly to the full Board.

*Interim Director Macris commented:*

- He attended the South of Market Leadership Council Meeting.
- He was very impressed with the diversity of the members who attended.
- Paul Lord accompanied him and they expressed their support regarding planning in their area.

*Re: New Legislation:*

- On the full Board, Supervisor Maxwell's legislation regarding establishing a task force to establish PDR businesses was passed. The task force will be comprised of nine members.
- PDR businesses pay higher wages and offer entry-level workers an opportunity for advancement.
- It is important to bring these businesses back to San Francisco.

*Zoning Administrator Badiner commented:*

- He attended the Finance Committee where the Mills Act contract for 690 Market was heard.
- The Commission heard this project. The question now is about the financing and/or adding a tax increment.
- What part of the project does the Mills Action act upon?
- This was continued at the call of the chair.

**BOA –**

*Re: Burlington Coat Factor – 599 Howard Street*

- This was approved for a conversion to an office project.
- The academy of science has moved into the building in the interim.

- The project sponsor requested a letter asking if the office entitlement carries forward on this. His initial reaction was no.
- After some discussion with staff, it was agreed that this was a unique situation.
- Ms. Hestor appealed this.
- It was heard last night and the Board upheld the ZA's determination.
- One of Ms. Hestor's concerns was accuracy and correctness of keeping the annual limit lists up to date.

*Re: 572 San Jose Avenue*

- The Commission heard this.
- The Commission felt that this was a demolition and denied the project.
- The Board voted +3-2 to deny the project.
- Everyone believes that this project will come back before the Commission very soon.

D. REGULAR CALENDAR

9. 2004.0957D (D. SIROIS: (415) 558-6313)  
3876 19<sup>th</sup> STREET - north side, between Sanchez & Church, Lot 027, Assessor's Block 3585 - **Request for Discretionary Review** of building permit application no. 2004.06.28.7517 seeking to construct horizontal and vertical additions to an existing three-family dwelling located in an RH-2 (Residential House, Two-Family) District and in a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve permit as proposed

SPEAKER(S):

(-) Joseph Newell – Discretionary Review Requestor

- The neighborhood has mostly one to two story buildings.
- Even the larger buildings are only two stories over garage.
- The only building that is out of character in the neighborhood should not be the precedent.
- The project should remain three stories over parking and eliminate the section of the building that will be built in the front.
- He has no problem with the project sponsor to move back.
- He is asking to approve the project but have the 4<sup>th</sup> floor in the front removed.

(-) John Moreto

- He is not opposed to the project regarding the square footage, etc.
- He is opposed to the increase in building height.
- Many neighbors sat down and spoke to the project sponsor about the project.

(+) Scott Hall

- He has lived at the proposed site for eight years.
- He has put in a significant amount of time on this proposal.
- The concerns about neighborhood character are inadequate because the block is not historic.
- There are three story buildings on the block.
- He urges the Commission to approve his project.
- He has a letter from his neighbor to the east that is in support of the project.

(+) Keith Lee – Project Architect

- It took many days to design a façade to be similar to the homes on the block.
- They have tried to do everything possible to do what the City requires.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

10. 2004.0934D

(D. DIBARTOLO: (415) 558-6291)

575 25<sup>th</sup> AVENUE - west side between Anza Street and Geary Boulevard; Lot 016 in Assessor's Block 1519 - **Request for Discretionary Review** of Building Permit Application No. 2003.08.26.3071S, proposing to construct vertical and rear horizontal additions to the existing one-story over garage single-family residence and to add a new dwelling unit at the new second floor level. The project site is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Richard Lauden

- He lives on 23<sup>rd</sup> Avenue.
- The two buildings have coexisted peacefully for many years.
- He is concerned that the requests respect all the neighbors.
- He would like to have the existing light well be respected.

(-) Beth Lewis

- She understands property owners wanting to build their dream home but it should not disrespect the needs of the neighbors.
- This project should be classified as a demolition.
- She does not want to cause an inconvenience to the project sponsor.

(+) Franklin Chan

- He is representing his father.
- The property is very old and requires many upgrades.
- The end result of the building will be a three family home.
- It is important that the Commission understand that traditional Chinese culture have strong ties and are very united.
- He and his family do not wish to rent out the units.

ACTION: Determined that the project was not properly before the Commission with inadequate plans.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

11. 2004.0794D (S. VELVE: (415) 558-6262)  
5116 GEARY BOULEVARD - north side between 15<sup>th</sup> and 16<sup>th</sup> Avenues, Lot 020 in Assessor's Block 1447 - **Request for Discretionary Review** of Building Permit Application 2004.05.19.4344 proposing to: (1) construct a two-story rear horizontal addition and a one-story vertical addition; (2) change the ground-floor use from a full-service restaurant to a specialty grocery store; (3) establish a new full-service restaurant (Gastonom) on the new second floor of the existing commercial building located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X Height/Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as modified.

SPEAKER(S): None

ACTION: Discretionary Review Request Withdrawn

12. 2004.1010D (D. SIDER: (415) 558-6697)  
545 2<sup>ND</sup> STREET - northeast side between Federal and DeBoom Streets, Lot 191 in Assessor's Block 3774 - **Mandatory Discretionary Review** of Miscellaneous Permit Application Numbers MB0401444 and MB0401256, Zoning Referrals from the San Francisco Department of Public Health and California Department of Alcoholic Beverage Control, respectively. The project would establish the use of ground floor retail space as a retail liquor store (DBA "Hennessey's Wines") which would sell alcohol for consumption both on and off-site. No physical work is proposed. Planning Commission Resolution Number 14844 requires a Discretionary Review hearing for all projects which involve a new or relocated Liquor License within the proposed Ballpark Vicinity Special Use District

(BVSUD) . The property is located in an SSO (Service / Secondary Office) District, the proposed BVSUD, the South End Historic District, and a 50-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the project.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

13a. 2004.0130CV (J. MILLER: (415) 558-6344)

1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in an the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Request for Conditional Use** authorization for use size in excess of 3,000 square feet for a music training facility ("Music City"), with a Full-Service Restaurant and Bar with live entertainment, open after hours (between 2:00 and 6:00 A.M.) also requiring a Variance for off-street parking and usable open space for an upper-floor group-housing use.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 22, 2004)

**NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.**

(Continued from Regular Meeting of October 28, 2004)

SPEAKER(S):

(+) Alex McCay – Consultant of Public Relations for Pacific Equities

- He submitted a letter from Mr. John Malloy of Lower Polk Neighbors who is in support of the project.
- He has been involved with the project since August 12. Since then he has listened to the audio tapes of previous hearings and has read the minutes.
- They have extensively done outreach in the neighborhood.
- The people who made public comment during the hearings have been contacted by letter to discuss the project if they so wish.
- They have fully realized all of the issues as far as the parking impact on the neighborhood, concerns of neighbors, etc.
- They feel that the project is ready to be heard.
- They are available for questions.

(-) Ken Raley

- He missed all the community outreach that the previous person said was done.
- This neighborhood has a lot of problems with this, but it also has some good things.
- What we don't need is late night entertainment, drugs, liquor, etc.
- There are 22 people that live near the project who are not supportive of this project.

(-) Patricia Glasky

- She objects to this project.
- There will be a lot more prostitution, pimps, drunks, noise, etc.

(-) Tom Ferriole – 200 Taylor Street Tenants Association

- He is president of a newly formed tenant organization.
- This project is an ambitious effort to have a rock school nightclub.
- This area is richly historic.
- He asked the Planning Commission to raise the bar about allowing access to the entertainment industry.

(-) Robert Hutchinson

- He owns a business on Sutter.
- This project would back up to Fern Alley, which is next to his business.

- He sees a trend from the various Commissions and the Mayor to give access to entertainment in the area.

- This area should not be open to entertainment.

- There is music all over the neighborhood and it is very disturbing.

(-) **Robert Garcia**

- He is President of Save our Streets Tenants and Merchants Association.

- He submitted a petition that took six months to have signed.

- Traffic is already an issue in the area.

- There is a church, senior house, childcare etc. so these are grounds for denial of a liquor license.

(-) **Gus Hollingsworth**

- He is a resident of Sutter Street.

- He is concerned that traffic on Sutter Street and surrounding streets is bad. Noise from neighborhood bars is disrupting as well as noise from the people on the sidewalks.

(-) **Karla Rossi**

- She is the property manager of a building on Sutter Street.

- The problems on Fern Street are a lot.

- Those problems will increase if this project is approved.

- She has lived in the area 12 years.

- She is concerned about the noise that will come from the hotel.

(-) **David Brown**

- The report submitted by the project sponsor has a lot of irregularities.

(-) **Jennie Chin Hansen**

- They own the property that is east of the proposed project.

- She expressed her opposition last July.

- She does not think that the issues have been addressed.

- She has found out that the project sponsor has been subject to many lawsuits.

- She opposes this project.

(-) **Gabrielle Dorrcoh**

- She has lived on Sutter Street for over 30 years.

- She is appalled that this project has been proposed.

- This project is totally unacceptable. She is opposed to the noise situation.

- If this project is approved, she will be displaced from her home as well as many others.

(-) **Wilma Pang**

- She is an instructor at City College of San Francisco – Music Department.

- They are concerned that the course outline has been taken directly from the website of City College.

- She hopes that the Commission looks into this.

(+) **John Lum**

- They are not taking additional land.

- The property values of the adjacent buildings will increase.

- There is ample parking in the area.

- The increased foot traffic will benefit the businesses in the area.

- Due to budgetary restraints, many music programs in schools are being slashed. If this project passes as proposed it might be the next chapter in the music curriculum.

(+) **Damien Schot – Project Supervisor – Pacific Equities**

- He has been overlooking the project for about two years.

- He gave a general description of the architectural materials of the project.

(-) **Tom Horn – President of the Board of Alliance Frances**

- They have been at this location since 1984.

- They have classrooms that abut this project as well as an auditorium.

- Noise is their principal concern.

- If this project is allowed to expand, it could only get worse.

- If this project is approved, they request that the Commission place a condition that the sound proofing materials that will be used on the project be the ones presented.

- They have only received public relations when they have wanted to speak about the project.

**(-) David Fong**

- He works in the building next door.
- He is concerned about the noise that will be transmitting from the proposed project.
- He is concerned also about the parking and cars blocking Fern Alley. It would be difficult for emergency vehicles to get through.

**(-) Louis Baker – Fong & Chan Architects**

- He works for Fong and Chan Architects, which has an office next door to the proposed project.
  - If this project moves forward he would like to see the details of the perimeter walls.
- (-) Jeremy Nelson – Transportation for a Livable City**
- They are in support of the parking Variance for this project.
  - His suggestion is that this project be up for review in 6 months so that the neighbors can come to the hearing and provide their opinion of the project.

ACTION: Motion of Intent to Disapprove. Final Language: December 9, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

- 13b. 2002.0130CV (J. MILLER: (415) 558-6344)
- 1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Off-Street Parking and Usable Open Space Variances** sought in conjunction with the conversion of existing tourist hotel rooms to group housing (residential hotel rooms) and for a Full-service Restaurant and Bar and music training facility ("Music City") with no off-street parking and no outdoor open area.

(Continued from Regular Meeting of July 22, 2004)

**NOTE: The Acting Zoning Administrator continued this item to September 23, 2004. Public comment remains open.**

(Continued from Regular Meeting of October 28, 2004)

SPEAKER(S): See Speakers for Item 13a.

ACTION: The Zoning Administrator closed the Public Hearing with an intent to disapprove the Variance. Final Language: December 9, 2004.

- 13c. 2002.0129C (J. MILLER: (415) 558-6344)
- 835 HYDE STREET - west side between Bush and Sutter Streets, Lot 3 in Assessor's Block 279, in an RC-4 (Residential Commercial Combined, High Density) District and a 130-E Height and Bulk District - **Request for a Conditional Use** authorization for a Tourist Hotel (conversion of 31 "residential" hotel rooms, being consolidated at another location, to "tourist" rooms) with no off-street parking.

Preliminary Recommendation: Approval with Conditions

**NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the project sponsor to continue discussing issues with neighbors. Public comment remains open.**

(Continued from Regular Meeting October 28, 2004)

SPEAKER(S): Same as those listed for item 13a.

ACTION: Motion of Intent to Disapprove. Final Language: December 9, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

14. 2004.0347C (J. MILLER: (415) 558-6344)  
2800 LEAVENWORTH STREET - entire block bounded by Leavenworth, Jefferson, Jones and Beach Streets, Lots 7 and 8 in Assessor's Block 11, in a C-2 (General Commercial) District, the Northern Waterfront Special Use District No. 2, and a 40-X Height and Bulk District – Request for a Conditional Use authorization for conversion of approximately 32,000 square feet of retail and office space to use as a new hotel with approximately 50 rooms (Planning Code Section 216(b)(i))

**SPEAKER(S):****(+) Joel Yodowitz – Reuben and Junius**

- He has not heard of any opposition to this project.
- He is available for questions.
- The project sponsor is here as well as the architect to answer questions.

**ACTION:** Approved with the following amendment: Under the Conditions of Approval, item 3; the second sentence that reads: *Failure to do say may at the call of the zoning administrator cause the authorization contained herein to be null or void.* - should be stricken.

**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

**ABSENT:** W. Lee

**MOTION:** 16884

- 15a. 2004.0551AXV (A. LIGHT: (415) 558-6254)  
201 SANSONE STREET - northwest corner of intersection with Pine Street, Lot 5, in Assessor's Block 260 - Request for a Determination of Compliance under Section 309 of the Planning Code to permit conversion of an existing office building to approximately 48 residential dwelling units, with an exception to the Planning Code rear yard requirements; for the subject property, which is in the C-3-O (Downtown, Office) Zoning District and a 150-S Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

**SPEAKER(S):****(+) Andrew Junius – Reuben and Junius**

- This is a wonderful opportunity to include affordable housing, a lot of transit, and meet the City's preservation goals.

**(+) Clark Manus – Project Architect**

- He gave a general architectural description of the project.

**(+) Jeremy Nelson - Transportation**

- They strongly support this project and other projects that are similar to this one.
- This project adds smaller affordable units.

**(+) Sue Hestor**

- She does not oppose the project.
- The usability of roof top decks should be considered.
- There are a whole lot of projects that have smaller units but no back yards.
- The city should be collecting fees for open space.
- This area is not heavy with open space.

**ACTION:** Approved with the correction on page 18 of the Conditions of Approval  
- Item 5, the last two lines are from a former case so they should be deleted.

**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

**ABSENT:** W. Lee

**MOTION:** 16885

**Item 15b in from an Addendum:**

- 15b. 2004.0551AXY (A. LIGHT: (415) 558-6254)  
201 SAN SOME STREET - northwest corner of intersection with Pine Street, Lot 5, in Assessor's Block 260 - Request for the granting by the Zoning Administrator of residential open space, dwelling unit exposure, and parking variances to permit conversion of an existing office building to approximately 48 residential dwelling units ; for the subject property, which is in the C-3-O (Downtown, Office) Zoning District and a 150-S Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission hearing.

SPEAKER(S): Same as those listed for item 15a.

ACTION: Zoning Administrator Closed the Public Hearing and Granted the Variance.

16. 2004.0781T (P. LORD: (415) 558-6311)  
ELEVATOR PENTHOUSE HEIGHT EXEMPTION INCREASE - Consideration of an a Ordinance amending Planning Code Section 260 to provide for an increase in the height exemption for elevator penthouses from 10 feet to 16 feet; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
Preliminary Recommendation: Approval with recommendations  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

17. 2004.0941T (L. SCOTT: (415) 558-6317)  
ADDING FEES RELATED TO CODE ENFORCEMENT - Consideration of an Ordinance to Amend the Planning Code by amending Sections 351 and 355 to add fees related to code enforcement and making environmental findings and findings of consistency with the priority polices of Planning Code Section 101.1 and the General Plan.  
Preliminary Recommendation: Approval with recommendations

SPEAKER(S): None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

RESOLUTION: 16886

18. 2004.055M (D. ALUMBAUGH/ D. ARGUMEDO: (415) 558-6601/558-6284)  
TRANSBAY REDEVELOPMENT PLAN - all, or portions of Assessor's Blocks 3718, 3719, 3720, 3721, 3736, 3737, 3738, 3739, 3740, 3749 and 3764; being generally the area bounded by Mission, Main, Folsom and Second Streets, together with a portion of the Block bounded by Howard, Spear, Folsom and Main Streets, and a portion of the Block bounded by Folsom, First, Harrison and Second Streets. Resolution of Intent to Initiate Amendments to the General Plan necessary to find in conformity the redevelopment plan for the Transbay Redevelopment Project Area.  
Preliminary Recommendation: Adopt a Resolution of Intent to Initiate Amendments to the General Plan of Intent to Initiate Amendments to the Planning Code.

SPEAKER(S): None

ACTION: Adopted a Resolution of Intent to Initiate Amendments to the General Plan and an Intent to Initiate Amendments to the Planning Code.

AYES: Alexander, Bradford Bell, Hughes, S. Lee

ABSENT: Antonini, W. Lee, Olague

RESOLUTION: 16887

19. 2004.04721 (D. ARGUMEDO: (415) 558-6284)

HASTINGS COLLEGE OF LAW - Notification by Zoning Administrator of filing of Hastings College of Law **Institutional Master Plan** per Planning Code Section 304.5 (d). The submitted institutional master plan details Hastings's current physical plant, demographics, and outlines their 10-year development plan. This public hearing is for receipt of public testimony only, while receipt of this institutional master plan does not constitute acceptance, or approval, of any of the detailed proposed projects.

Preliminary Recommendation: No action required

(Continued from Regular Meeting of October 7, 2004)

SPEAKER(S):

(+) David Stewart – Chief Financial Officer of Hasting College of Law

- This is a joint venture with the YMCA.
- They need to help address the housing needs of San Francisco.
- They recently renovated their 100 McAllister housing building.
- There will be a performing arts venue at 100 McAllister.
- They will be renovating their law library.
- They are dedicated to improving the area and making the tenderloin a 24/7 neighborhood.

(+) Jeremy Nelson – Transportation of Livable city

- All the goals mentioned are commendable.
- Unfortunately, the projects described in the master plan, do not have good parking requirements.
- Building a parking garage in an area that has excellent transportation is bad transportation policy.

ACTION: Meeting Held. No Action Required.

20. 2004.07621

(D. ARGUMEDO: (415) 558-6284)

UNIVERSITY OF SAN FRANCISCO - notification by Zoning Administrator of filing of 10 year **Institutional Master Plan** by the University of San Francisco and subsequent public hearing as per Planning Code section 304.5 (d). The purpose of this hearing is for the receipt of public testimony only and in no way constitutes an approval or disapproval of the Institutional Master Plan by the Planning Commission.

Preliminary Recommendation: No action required

(Continued from Regular Meeting of October 7, 2004)

SPEAKER(S):

(+) Barbara Maloney – Consultant to the University

- They have worked with the university for nearly two years to prepare the master plan.
- The projects that are identified are virtually all renovations.
- They project a new surface parking lot and a new science building.
- The campus does house 50% of the students on campus.
- The campus would like to work with the neighborhood on traffic circulation and pedestrian access.
- Some neighbors are concerned with noise and pedestrian traffic.

**(+) Laura McCarty**

- Currently there is a renovation at Lone Mountain dormitory, which includes office space.
- There will be three minor renovations on the Lone Mountain chapel, gym, and halls. These are interior remodels.
- The hall on Fulton will be interior remodel with some demolition of the rear portion.
- The parking is still being considered.
- The science addition is projected in 2007 or beyond.

**(+) Kristin Glickman – University Terrace Association**

- They represent about 300 homes in the area.
- She thanked USF for including the neighborhood in their meetings.
- Their concerns are that the university is getting extremely large, is there a plan for another dormitory, what are the specifics of what exactly the university plans to do, etc.

**(+) Jeremy Nelson – Transportation for a Livable City**

- They support this project.
- They are not in agreement with increasing the parking demand by increasing the supply.
- Parking is dealt with by managing the demand for parking.

ACTION: Meeting Held. No Action Required.

21a. 2004.0882EMZRU (P. MALTZER (415) 558-5977)  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - **Adoption of CEQA Findings** regarding General Plan Amendments, Planning Code Amendments (a Zoning Map amendment), a General Plan Referral, and an Inter-Agency Cooperation agreement related to the Hunters Point Shipyard Redevelopment Project.  
Preliminary Recommendation: Adopt CEQA Findings.

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

21b. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The Commission will consider a resolution to **Adopt Proposed Amendments to the South Bayshore Area Plan and other elements of the General Plan** under the provisions of Sections 340 and 306.3 (b)(3) of the Planning Code. The amendments are necessary to find in conformity the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project. The General Plan amendments include amendments to the Residence, Commerce and Industry, Recreation and Open Space, Transportation, Urban Design, Community Facilities, Community Safety, Arts, and Air Quality Elements of the General Plan, and the Land Use Index. The proposed amendments to the General Plan were initiated at a public hearing on October 21, 2004.  
Preliminary Recommendation: Approve Draft Resolution.

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

21c. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The Commission will consider a resolution to **Adopt Proposed Amendments to the Planning Code (maps 9 and 9H of the Zoning Map)** under the provision of Section 306.3(b)(2) of the Planning Code. The proposed amendments would revise Zoning Maps 9 and 9H to reference the Hunters Point Shipyard Redevelopment Plan as the document that will regulate the land use of the Hunters Point Shipyard Redevelopment Area. The

proposed amendments to the Zoning Map were initiated by the Planning Commission at a public hearing on October 21, 2004.

Preliminary Recommendation: Approve Draft Resolution.

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

- 21d. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The General Plan Referral includes General Plan conformity findings on (a) the Hunters Point Shipyard Redevelopment Plan, (b) vacation and sale of undeveloped public rights-of-way (paper streets) within the Hunters Point Redevelopment Project Area, and (c) a subdivision ordinance for the site. Individual subdivisions would be subject to separate General Plan referrals to the Planning Department, in the future.  
Preliminary Recommendation: Approve Draft Resolution finding the Project (a, b, and c) in conformity with General Plan.

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

- 21e. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - Request for Adoption of a Motion authorizing the Planning Department to enter into an Inter Agency Cooperation Agreement with the San Francisco Redevelopment Agency and other City Departments to assist in reviewing permits, approvals and agreements within the Hunters Point Shipyard Redevelopment Area.  
Preliminary Recommendation: Approve Draft Motion

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

## E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

NONE

Adjournment: 7:48 p.m. – in memory of Joseph Antonini

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE  
PLANNING COMMISSION ON THURSDAY, FEBRUARY 17, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

EXCUSED: W. Lee



# SAN FRANCISCO

# PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Monday, November 29, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT

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**COMMISSIONERS PRESENT:** Dwight Alexander; Michael J. Antonini, Shelley Bradford Bell,  
Kevin Hughes, Sue Lee; William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.

**STAFF IN ATTENDANCE:** Dean Macris – Interim Director of Planning; Larry Badiner – Zoning  
Administrator; Matt Snyder; Rick Crawford; Joan Kugler; Lea Kienker; Dan DiBartolo; Jonathan Purvis;  
Nora Priego – Transcription Secretary; Linda Avery – Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0649C (E. TOPE: (415) 558-6316)  
601-605 BAKER STREET - northeast corner of Baker and Fulton Streets, Lot 010 in Assessor's Block 1177 - Request for Conditional Use Authorization pursuant to Planning Code Sections 182(b)(1) and 710.44 to allow a change of use from retail (formerly "Baker's Market") to a Small Self-Service Restaurant ("Green Chili Kitchen") in one of two commercial spaces (classified as Limited Commercial Uses) on the ground floor of a mixed use building in an RM-1 (Residential, Mixed District, Low Density) and a 40-X Height and Bulk District. The other space is proposed to remain in retail use.  
Preliminary Recommendation: Approval with Conditions  
(Proposed for Continuance to December 2, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

2. 2004.0666DD (S. SNYDER: (415) 558-6543)  
37 POWERS STREET - north side between Coleridge and Mission Streets; lot 6 in Assessor's Block 5518 - Neighbor-initiated Discretionary Review of Building Permit

Application No. 2004.04.05.0592, proposing to construct vertical and horizontal additions to a single-family dwelling in an RH-2 (House, Two-family) District and a 40-X Height and Bulk District, and the Bernal Heights Special Use District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of October 7, 2004)

**(Proposed for Continuance to December 2, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to December 2, 2004

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

3. 2004.0393C (G. CABREROS (415) 558-6169)

2443-2445 CLEMENT STREET - south side between 25th and 26th Avenues; Lots 035 and 036 in Assessor's Block 1457 - **Request for Conditional Use Authorization** under Planning Code Section 717.11 to allow development of a lot greater than 5,000 square feet in area in the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District. The project proposes demolition of three non-residential structures and new construction of a 40-foot tall, four-story, mixed-used building with one ground-floor commercial space and nine residential units.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of September 2, 2004)

**(Proposed for Continuance to January 6, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 6, 2005

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

4. 2003.1110T (C. NIKITAS:(415) 558-6306)

REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress **Adoption of an ordinance amending the San Francisco Planning Code** by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.

Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.

(Continued from Regular Meeting of September 23, 2004)

**(Proposed for Continuance to January 20, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

5. (P. LORD: (415) 558-6311)

NORTH BEACH FORMULA RETAIL PROHIBITION - Consideration of an Ordinance amending Planning Code Section 707.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation:

(Continued from Regular Meeting of October 21, 2004)

**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

6. 2004.1033Z (P. LORD: (415) 558-6311)  
ASSESSOR'S BLOCK 0185 REZONING - Consideration of an Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 2, to change the use district designation of Assessor's Block 0185, Lots, 005, 029, 030, 031, 032, 033, 036, 037, 038, 039, 040, 041, 043, and 048 (mid-block South side of Pacific Street between Hyde Street and Larkin Street) from NC-2 (Small-Scale Neighborhood Commercial District) and RH-1 (Residential: One Family) to RM-1 (Residential, Mixed: Low Density, making finding pursuant to Section 302 and, making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
**(Proposed for Indefinite Continuance)**

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Commission Comments/Questions

**Commissioner Antonini:**

Re: 690 Market Street

- He read in the Chronicle that this project was having some difficulty.
- This is one of his favorite projects because it provides so many good things.
- He hopes that this project will begin a process of improving the mid-Market area.
- When the case came before the Commission, the Mills act was not applicable to the project.
- He hopes that all people involved would work together and make this project happen.

**Commissioner Olague:**

Re: 755 22<sup>nd</sup> Avenue

- There was some confusion about this project.
- She wanted to get some clarity.

*Zoning Administrator Badiner Responded:*

- He sent out emails regarding a conversation with Steve Williams.
- There was a request that if this was still at the Planning Department, it could come back.
- He felt that certainty was required. He has determined that it was not appropriate to bring the project back since it is not in the Planning Department.

**Commissioner Hughes:**

Re: 755 22<sup>nd</sup> Avenue

- He would like to know from the City Attorney if whether or not a project is code compliant it takes an affirmative majority vote for it to proceed?

**City Attorney Judy Boyajian Responded:**

- The way the Commission, staff and the City Attorney have interpreted the Commission's procedures is that whoever needs the vote to move forward and they don't get it then they loose.
- If a Conditional Use approval is needed and it is a failed motion then the CU is not approved.

- If there is a need to take Discretionary Review over a code complying project and it fails to get four votes, the project moves forward because the Commission has not taken DR.
- If the project has left the department, does the Commission have the legal ability to call the project back? She cannot say that the Commission cannot call it back. If the permits have already been issued, then the Commission has lost its jurisdiction. But if it is still not issued and it is over in DBI and the Commission wants to call it back, the Commission has that legal authority.
- She does not recall a time that the Commission has done this so the Commission would be "breaking ground".

**Commissioner W. Lee:***Re: 755 22<sup>nd</sup> Avenue*

- If the Commission requests the Building Inspection Commission to return this project are they within the legal parameters to do that?

**City Attorney Judy Boyajian Responded:**

- The Commission would not be asking the Building Inspection Commission, it would be asking the Department of Building Inspection.

**Commissioner W. Lee:**

- He requested to schedule on next week's calendar the project at 755 22<sup>nd</sup> Avenue to be reconsidered by the Commission and discuss the options.

**Commission Bradford Bell:***Re: 755 22<sup>nd</sup> Avenue*

- There is no consensus to bring this project back.
- There have been several cases similar to this one. The Commission cannot keep bringing back projects.
- When the case was heard and there was consensus about continuing the project, then it would have been continued.

**Commissioner Antonini:**

- If there were consensus to bring a case back there would be a need for four votes.
- The only time a case should be brought back is when a case is badly misrepresented or something was not done procedurally.

**Commissioner S. Lee:**

- Bringing cases back would be opening a "Pandora's Box."
- If something like this is going to keep happening in the future then the Commission needs to be clear on the rules and it should be done in a timely manner.

**C. DIRECTOR'S REPORT****8. Director's Announcements****Interim Director Macris:***Re: Supervisor Maxwell's Interim Controls for the Showplace Square*

- Staff has been following this legislation.
- A hearing was held last week on the value of the interim controls.
- From the Department's point of view, since the controls do not come back to the Commission, the Department's interests were what the interim controls were tied to in terms of time before the Board of Supervisors considers them again.
- The interim controls were pending the completion of the Eastern Neighborhoods EIR.
- By the draft ordinance it would be within one year. This would be impractical.
- He has offered some alternative ways to the Supervisor and it is under consideration.

- The Land Use Committee could not act on the matter but it will act on the Interim Controls on December 6 and go to the Full Board.
- He did not want the Supervisor to think that in any way the interim controls could be extended 6 months. It is not a practical idea to tie this to the EIR.

*Re: Backlogs*

- He is please to say that interviews for the Planner III-Environmental position have been underway.
- He hopes to make a decision by the end of this year.
- Interviews were also held for the Chief Financial Officer. He hopes to have someone by the end of the year.

*Re: 2404 Broadway*

- This project is an alteration of an existing building.
- A few months ago there was an appeal.
- Staff has been working with the Project Sponsor to understand more of the details of the project.
- The project Sponsor was to send drawings but they did not reflect what had been discussed.
- Staff and MEA determined that the Categorical Exemption had some weaknesses.
- They decided it was best to issue a new Categorical Exception.
- The actual item then will not go before the Board of Supervisors.
- There was not any desire to circumvent the project but staff just wanted the best information before appearing at the Board of Supervisors.
- The Board of Supervisors was upset, but it is best to get the best information.
- There was no intent to cut anyone out of the process.

**Commissioner Antonini:**

*Re: Eastern Neighborhoods*

- It has been presented to him that some projects have not come before the commission because there is no knowledge of whether controls or proposals will be approved.
- He feels that projects should move forward at whatever speed is normal and they should not be held up pending this decision.

**Interim Director Macris Responded:**

- He agrees that if a project comes legitimately before the Planning Department and meets the environmental clearances then they should be heard.
- Certain steps should be taken to establish policy and not have to wait two years to have firm ground consensus on how to proceed on this situation.
- How can interim policy consensus be developed to move forward pending completion of the Eastern Neighborhoods EIR?
- The City cannot hold out two years.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS – See above

BOA - None

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

*Re: 91 Miguel Street*

**(-) Kathy Keller**

- The topography of the site, the comparative size of the building and the residential design guidelines are the issues that she has with this project.
- She requested that the top floor be set back by 10 feet, the next floor by 6 feet, preserve existing trees and apply setbacks.

**(-) Beth Ross**

- She lives behind and to the north of the subject property.
- She is in support of the Discretionary Review.
- The topography on the lots is very unusual.
- Allowing this project will box all of the neighbors behind.
- Setbacks should be applied to both buildings.
- There are other architectural changes that could be made to the plans.

**(-) Dick Hague**

- His yard is back to back with the subject property.
- He will have a limited time of sunlight in his yard.
- If a taller and larger building is built, he will loose his privacy.
- He suggests that by stepping back two of the floors his garden would not be overshadowed and he will retain privacy from the neighbors.
- The top floor should be setback 10 feet and the third floor 6 feet.

**(-) Adolph Bremerman**

- He lives behind the subject property.
- He realizes that the sponsor has the right to build and expand his home, but some expansions do not respect the neighbors.
- He requested setbacks to the top floors and the rear, preserve the existing trees, and apply the setbacks to both 91 and 89 Miguel Street.

**(+) Cesar Ascarrutz – Project Sponsor**

- If he builds five stories there will not be a shadow casted on any of the neighbors.
- He submitted various documents of tests.

**(+) Ernestine Weiss**

- There was no shadow produced from the buildings.
- She requested that this project be approved.

*Re: 150 Otis Street*

**Dave Curto (Human Services Agency)**

- He is here to ask for a continuance of the Landmark designation.
- Since the previous continuance, he has been able to meet with the Planning Department, the Mayor's Office of Housing and the newly formed Citizen's Advisory Committee.
- The Mayor's Office of Housing is taking a feasibility study on the use of the property and the property goes back to the Citizen's Advisory Committee in December.
- Making a decision today would be premature.

**Joan MacNamara – Mayor's Office of Housing**

- This project was transferred to MOH in order to look at it in terms of providing housing units for our homeless populations.
- The citizen's Advisory Committee will be reviewing whether housing can be established there for homeless.
- The project will be reviewed again on December 20, 2004.
- Making this project a Landmark would not cause any problems at all.

**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

10. 2002.0271L (M. SNYDER: (415) 575-6891)  
150 OTIS STREET - The Juvenile Court and Detention Home, north side between McCoppin Street and Duboce Avenue. Lot 7 in Assessor's Block 3513 - Request for the Planning Commission to adopt a Resolution approving the designation of the

**Juvenile Court and Detention Home as Landmark 248**, and recommending to the Board of Supervisors that they approve the designation of the Juvenile Court and Detention Home as Landmark 248.

Preliminary Recommendation: Approval

**NOTE: On October 7, 2004, following public testimony, the Commission closed public hearing and continued the matter to November 4, 2004, by a vote +6 -0, in order to discuss future use of the building with the project sponsor.**

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16888

11. 2004.0587D (R. CRAWFORD: (415) 558-6358)  
91 MIGUEL STREET - north side between Fairmont and Beacon Streets. Assessor's Block 6665, Lot 023C - **Request for Discretionary Review** of Building Permit Application No. 2004 0128 5045, to construct a new two family dwelling, three stories in height in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.  
**NOTE: On October 21, 2004, the Commission closed the public hearing and continued the item to November 4, 2004 to allow absent Commissioner the ability to participate in the final action. Commissioner Sue Lee was absent.**

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): None

ACTION: DID not take Discretionary Review and Approved the project

AYES: Alexander, Antonini, Bradford Bell, Hughes, W. Lee

NAYES: Olague and S. Lee

## F. REGULAR CALENDAR

12. 2000.1081E (J. KUGLER: (415) 558-5983)  
**RINCON HILL PLAN - Public Hearing on Draft Environmental Impact Report.** The proposed project is a revised Rincon Hill Plan (an Area Plan of the San Francisco General Plan) and revised planning controls for the Rincon Hill area. The San Francisco Planning Department proposes to replace the Planning Code's existing Rincon Hill Special Use District (SUD), as set out in Planning Code Section 249.1, with a new Rincon Hill Downtown Residential Mixed Use District (DTR), which would increase height limits, revise the "R" bulk district, amend the Rincon Hill Area Plan, and make other General Plan and zoning changes intended to stimulate additional high-density, residential development in the Rincon Hill area. Improvements to the streetscape, transportation system and open space would result from implementation of the new Plan. Rincon Hill is in the northeast section of San Francisco, south of the Financial District and Transbay Terminal, and north of the South Beach neighborhood. The project area is bounded generally by Folsom Street, Steuart Street, The Embarcadero, Bryant Street, the Bay Bridge approach and the Transbay Terminal ramps and encompasses about 12 city blocks.

Preliminary Recommendation: Hold Public Hearing. No action required.

**NOTE: Written comments will be received at the Planning Department until 5:00 p.m. on November 29, 2004.**

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S):

Ken Werner – Trinity Plaza Tenants Association

- He asked the Commission to reconsider this plan because it does not offer low income housing.

- This is unacceptable to the people of SOMA.

**James Collins**

- He asked the Commission to reconsider this proposal.

- This project does not have low income housing.

- It is unfair for the community to look elsewhere to find a house.

**Richard Marquez – Mission Agenda**

- Rincon Hill is returning to its roots of exclusivity of class and social segregation.

- What other project will accompany this type of project?

- Why is the Department “Vancouverizing” San Francisco?

- This project puts affordable housing “out of sight.”

- He requested that the Commission fight for San Francisco’s affordable future.

**Dustin Dun – Mission Agenda**

- Forcing people out of housing that they can afford is terrible.

- There is too much disparity here.

**Stephen Wilson – Archdiocese of San Francisco**

- This DEIR fails on various counts: 1) it limits the Commission’s range of actions; 2) it is inadequate because the alternative selected and analyzed limits the range of actions and decisions possible by the Planning Commission and the Board of Supervisors; 3) it limits housing production; 4) it does not meet Proposition M; 5) there has been a defacto moratorium and this should be stopped; 6) there is a more aggressive and better way to develop projects.

- The Planning Commission should direct staff to develop and analyze an alternative project that fits within the proposed Rincon Hill height limits.

**Lucian Blazej**

- The draft EIR only provides for 2,100 units and there could be more.

- This draft EIR should provide the community the information to broadly evaluate the various plans and zoning controls to optimize housing. It does not do this.

- The EIR does not have an economic analysis.

**Maurice Healy – Archdiocese of San Francisco**

- There is a loss of housing with this project.

- Under current zoning this project could provide more housing units.

- Taller buildings would be more expensive to build.

- An alternative should be proposed that optimizes housing.

**Bob Meyers**

- Staff’s preferred option is flawed in this EIR.

- The plan does not increase housing production.

- Most Rincon Heights are already built.

- The few remaining housing sites are not much.

- Housing is more important than tower separation.

- An addendum can be issued for public comment.

**Alison Poole**

- The DEIR does not contain any information that super housing could be afforded by real people.

- This draft EIR is defective.

- Almost every EIR has an economic analysis and this one does not have it.

- A comprehensive study should be made before building these fantasy towers.

**Aaron Poser**

- The Draft EIR is based on false assumptions.

- He strongly urges the Commission to require that the EIR be rewritten in order to have site specific solutions.

**Debra Stein**

- Preservation of views and blue sky seems to be more important than housing in this EIR.

- The maximum housing option should be the preferred option and not the option that the department suggests.
- It is important that this EIR acknowledge that there are projects that are moving forward.
- This current building is not a historic resource as the EIR states.

**Collin Mazza**

- 375 Fremont should be evaluated as proposed under current zoning.
- There are various projects that have been in the pipeline.
- 375 Fremont is consistent with the Rincon Hill Plan.

**Eleanor Killebrew – BrownBrew**

- The Rincon Hill area is within walking distance of downtown and public transportation.
- None of the proposed plans include open space areas.
- Proposed high-rise projects would not displace anyone.
- Maximizing the number of high-rises and housing is a good idea.

**Theodore Brown - BrownBrew**

- He is for the tower separation in order to optimize housing.
- Rincon Hill is a good place for housing because it is close to the proposed Transbay Terminal.
- Density optimizes fiscal efficiency and utilization of expensive infrastructure.

- The proposed project would not have any negative effect on current utilities.

**Calvin Welsh – Council for Community Housing Organizations**

- The Draft EIR is in need of amendments because it is incomplete and fails to address the range of environmental impacts of the proposed project.
- The EIR draws too narrow a focus.
- It fails to look at the SOMA community in both housing and traffic, especially for families and seniors.
- The definition of the setting of the plan tends to ignore the impact of dismissing the recently approved Housing Element.

**Chris Durazo – South of Market Community Action Network**

- The EIR should be amended.
- She feels that the scope is inaccurate. It looks like spot zoning.
- This is an EIR for rezoning and not for a specific project.
- The Housing Element that was approved should be included.

**April Veneracion – South of Market Community Action Network**

- The Draft EIR is inaccurate and does not effectively address the long-range impacts of maximum density on the socio economic well being of the South of Market residents and workers.
- The Draft EIR is incomplete in scope.

**Rajiv Bhatia – San Francisco DPH**

- There are ways that the EIR can fully analyze the impacts.
- People have spoken about increased density so more housing should be built.
- There are imbalances between jobs and housing.
- There is no school plans on the site.
- The new workers would not be able to live at this location.
- Also, there is an assumption that lower income people drive less.
- There are too many assumptions in the EIR.
- The plan needs a more complete analysis of jobs and housing.
- The Metropolitan Commission could provide more ideas.
- This project needs to be looked at in a citywide perspective.

**Julia Dimaio – Senior Action Network and Senior Housing Action**

- Seniors are in desperate need of housing but they are concerned about the amounts the units would be sold for.
- The Rincon Hill Plan does not attend the needs of the community, families with children or seniors.

**Charles Stewart - SOMECA**

- He does not support the DEIR for the Rincon Hill Plan. It is very unreasonable.
- This project is wiping the residents of the south of market out of the area.

- The Rincon Hill plan will not be community friendly.
  - He requests that the EIR be redone to focus more on the community.

**Angelica Cabande – SOMECA**

- Every day she speaks to tenants in the South of Market area and they are concerned with the difficulty of displacement, affordability, etc.
  - How will the Rincon Hill plan focus on the community?
  - An EIR should be done that mitigates the negative impacts the zoning changes will create.

create.  
Bob Calson

- Ron Carlson**

  - The preferred option has many negative aspects. It is not community focused and should not include the projects that are in the pipeline.
  - The Planning Commission should be informed on the economic impacts of the housing costs, neighborhood parking, and the housing markets likely to be served when major zoning changes are proposed.

Azalia Merrel = Carpenter's Union

- She is concerned over her "cozy" rent controlled apartment of seven years.
  - She would not be able to afford the million dollar condos that are on the market.
  - This is another project that started under one set of rules and has continued with another set of rules.
  - She is not opposed to the super towers but has concerns about their affordability.

**Robert McCarthy – McCarthy and Swartz**

- The preferred choice of staff would result in less units, less tax revenues, eliminate construction jobs, etc.
  - This plan is the greatest "power grab" in history.
  - The Commission needs to preserve their discretion.

**ACTION:** Meeting Held. No Action at this time. Written comments accepted until 5:00 p.m. on December 10, 2004.

13. 2003.0109E (L. KIENKER: (415) 558-5970)  
988 HOWARD STREET - AKA PLAZA APARTMENTS - northeast corner of Howard and Sixth Streets on Assessors Block 3725, Lot 025 - **Substitution of Mitigation Measures and amendment of Final Mitigated Negative Declaration.** The approved project, now under construction, is the demolition of two-story 37-room single-resident occupancy (SRO) hotel, retail, and performing arts space and construction of an approximately 68,400 gsf, 9-story, structure containing 106 SRO units, with 700 gross square feet (gsf) of second-story social service space, 2,100 gsf of ground level retail space, and 4,200 gsf of performing arts space. The site is located in the South of Market Redevelopment Plan Area, SOMA Earthquake Recovery Special Use District, RSD (Residential / Service) Mixed-Use Zoning District and 85-X height and bulk district.  
Preliminary Recommendation: Approve finding of no significant impact with substitution of wind and archeology mitigation measures and amendment of Final Mitigated Negative Declaration.

(Continued from Regular Meeting of November 4, 2004)

**SPEAKER(S):**

Erin Carson – San Francisco Redevelopment Agency

- She works for the Public Initiatives Development Corporation, which is a subsidiary of the Redevelopment Agency and sponsors of the project.
  - She is available for questions.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16889

14. 2004.0660C (R. CRAWFORD: (415) 558-6358)  
55 FARALLONES STREET - south side between Plymouth and San Jose Avenues, Assessor's Block 7108 Lot 054 (St. Michael's Church & School). **Request for Conditional Use** authorization under, Planning Code Section 209.3.j, to expand an Adult Day Care facility, as part of the existing religious institutional use, up to 35 adults. The project will add 960 square feet to an existing 2,160 square foot modular building currently used for adult day care purposes in an RH-1, Residential House, One Family, and RH-2, Residential House, Two Family District and within the 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of November 4, 2004)

**SPEAKER(S):****(+) Patty Clement**

- The program has been overseen by Catholic Charities.
- They are the only program that offers extended care and a Saturday program.
- They have the funding to expand but there is a time limit and are afraid of loosing it.

**ACTION:** Approved**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague**MOTION:** 16890

15. 2004.0831C (D. DIBARTOLO: 415) 558-6291)  
532-536 GREEN STREET - north side between Stockton Street and Grant Avenue; Lot 015 in Assessor's Block 0116 - **Request for Conditional Use** authorization to establish, pursuant to Planning Code Section 722.44, a small self-service restaurant ("Tom's Sausage & BBQ"). The restaurant would be less than 1,000 square feet in size, and would occupy an existing ground-floor vacant commercial space within the three story mixed-use structure. No expansion of the building is proposed. The site is in the North Beach Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of November 4, 2004)

**SPEAKER(S):****(+) Marsha Garland – North Beach Chamber of Commerce**

- She introduced the project sponsor.

**(+) Richard Tom**

- He has owned the building for about 25 years.
- His parents purchased the building as a residence and to open a business.
- For the last 10 years he worked on the family business.
- He is interested in attracting eating customers.
- He hopes that the Commission will approve the project.

**ACTION:** Approved**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague**MOTION:** 16891

16. 2004.0915C (D. SIDER: (415) 558-6697)  
1598 DOLORES STREET - northwest corner of 29<sup>th</sup> Street; Lots 40 through 52, inclusive, in Assessor's Block 6618 - **Request for Conditional Use** authorization to modify conditions of approval set forth in Planning Commission Motion Number 16445 as modified by Board of Supervisors Motion Number M02-163 and relating to Planning Department Case Number 2000.1058C to allow payment of an in-lieu affordable housing fee rather than provide on-site affordable housing, pursuant to inclusionary housing policies set forth in Planning Commission Resolution Number 16350. In September of

2002, the City authorized construction of two 4-story buildings on the subject property containing a total of 13 units and up to 26 independently accessible off-street parking spaces; both buildings are now complete. Conditions of approval require one of the proposed units to be provided as a Below Market Rate (BMR) unit. This proposal would modify previous conditions of approval to allow the payment of an in-lieu fee to the Mayor's Office of Housing rather than provide the required BMR unit on-site. No physical work is proposed. The property is within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

17. 2002.1305C (M. SNYDER: (415) 575-6891)  
1096 SOUTH VAN NESS AVENUE - previously Driscoll's Mortuary Chapel, northwest corner of South Van Ness Avenue and 22nd Street, Lot 10 in Assessor's Block 3615 - **Request for Conditional Use** authorization to establish a full service restaurant and a place of entertainment that would be open until 2:00 am within a building that was previously used as a mortuary. Conditional Use authorization is required for (1) hours of operation between 11:00 pm and 2:00 am pursuant to Planning Code Sections 710.27 and 790.48; (2) the establishment of other entertainment pursuant to Planning Code Sections 710.48 and 790.38; (3) the establishment of a full service restaurant on a lot within 1/4 mile of the 24th Street – Mission Neighborhood Commercial District Pursuant to Planning Code Sections 710.42 and 727.42; and (4) the establishment of a restaurant use on the second floor of a building designed for a single tenant pursuant to Planning Code Section 186.1(b) and 186.2(a). No exterior alteration is proposed. The project is within an NC-1 (Neighborhood Commercial, Cluster) District, a 50-X Height and Bulk District, and the Mission Alcoholic Restricted Special Use District.  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S):

*Re: Continuance*

**Lou Blazej**

- He would like this item continued because the project was not advertised as a full service restaurant.
- There is a need to work more with the neighborhood and the continuance would allow this to happen.
- They are flexible on the day.

ACTION: Without hearing, item continued to January 20, 2005

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

- 18a. 2004.0234CV (J. PURVIS: (415) 558-6354)  
2917-2919 24<sup>TH</sup> STREET - south side between Florida and Alabama Streets; Lot 015 in Assessor's Block 426 - **Request for Conditional Use Authorization** under Planning Code Section 161(j) to add five dwelling units (including one pre-existing unit to be restored) to a commercial building without providing off-street parking. Two units would be converted from existing office/warehouse space on the second floor, and the other three units would be provided through a vertical addition, adding a third floor plus mezzanine above the existing two-story building with a six- and ten-foot setback from the existing front building wall. A Rear Yard Modification and a Dwelling Unit Exposure Variance will be heard by the Zoning Administrator immediately following the hearing on

the Conditional Use. The site is within the 24th Street-Mission Neighborhood Commercial Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Approve with conditions  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S):

(+) Warner Oneisky

- He purchased the building this year.
- He will be adding three units on the third floor.
- They had a discussion with the mural people.
- He hopes that the Commission will approve this project.

(+) Jeremy Nelson – Transportation for a Livable City

- He supports this project because it is near 24<sup>th</sup> Street, which is a very transit rich street.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16892

18b. 2004.0234CV (J. PURVIS: (415) 558-6354)

2917-2919 24TH STREET - south side between Florida and Alabama Streets; Lot 015 in Assessor's Block 426 - **Request for Rear Yard Modification** under Section 134(e) to provide rear yard open space for five dwelling units within front and rear setbacks and **for Dwelling Unit Exposure Variance** under Section 140. The Zoning Administrator will hear the Rear Yard Modification and Exposure Variance at the time the Planning Commission hears the Conditional Use. The site is within the 24th Street-Mission Neighborhood Commercial Use District, and a 40-X Height and Bulk District.  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): Same as those listed for Item 18a.

ACTION: Zoning Administrator Closed the Public Hearing and Granted the Modifications and the Variance.

19a. 2004.0356D (J. PURVIS: (415) 558-6354)

477 HARKNESS AVENUE - south side east of Delta Street; Lot 047 in Assessor's Block 6178 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.11.19.0549 proposing the demolition of a one-story, single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S):

(+) James Li – Project Engineer

- This house is not too big.
- He is available for questions.

ACTION: Did not take Discretionary Review and approved the demolition

AYES: Alexander, Antonini, Bradford Bell, W. Lee

NAYES: Hughes, S. Lee and Olague

19b. 2004.0357D (J. PURVIS: (415) 558-6354)

477 HARKNESS AVENUE - south side east of Delta Street; Lot 047 in Assessor's Block 6178 - **Mandatory Discretionary Review**, under Planning Commission policy requiring

review of all replacement structures following residential demolition, of Building Permit Application No. 2003.11.19.0552 proposing the construction of a single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take DR and approve the project.

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): Same as those listed for Item 19a.

ACTION: Took Discretionary Review and approved as modified: 1) Reduce the width of the garage door to a maximum of eight feet; 2) Redesign the front entry to restrict access to the main level. Access to habitable space on the ground floor must be restricted to interior stairs directly connecting it to the main floor; 3) Eliminate one of the bathrooms on the ground floor; 4) Record a Notice of Special Restriction on the property restricting its use to a single-family dwelling.

AYES: Alexander, Antonini, Bradford Bell, W. Lee

NAYES: Hughes, S. Lee and Olague

19c. 2004.0358D (J. PURVIS: (415) 558-6354)

477 HARKNESS AVENUE - south side east of Delta Street; Lot 047 in Assessor's Block 6178 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.11.19.0551 proposing the construction of a single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take DR and approve the project.

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): Same as those listed for Item 19a.

ACTION: Took Discretionary Review and approved as modified: 1) Reduce the width of the garage door to a maximum of eight feet; 2) Redesign the front entry to restrict access to the main level. Access to habitable space on the ground floor must be restricted to interior stairs directly connecting it to the main floor; 3) Eliminate one of the bathrooms on the ground floor; 4) Record a Notice of Special Restriction on the property restricting its use to a single-family dwelling.

AYES: Alexander, Antonini, Bradford Bell, W. Lee

NAYES: Hughes, S. Lee and Olague

20. 2004.1032DDDDDD (M. SNYDER: (415) 575-6891)

2428 BAYSHORE BOULEVARD - Lot 003 in Assessor's Block 6249, northwest side between Leland Avenue and Visitacion Avenue - Request for Discretionary Review of Building Permit Application No. 2003.12.16.2457 proposing to construct a new four-story, twelve-unit residential structure with a small commercial unit, on a vacant lot. The property is within an NC-3 (Neighborhood Commercial, Moderate Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take discretionary review and approve the project with modifications.

(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S):

(-) Bill Dodson – Representing All Discretionary Review Requestors

- They do not object to the construction but the building will be too large.
- There is already a parking problem in the neighborhood.

- Sometime residents have to park on the street parallel to the cars parked on the curb.
- When the light rail is built it will take a lot of the parking spaces.
- Twelve units are too much for the area.
- There are two empty buildings next door. If someone develops that then the residents will really be in trouble.
- Traffic is very hectic in the area. People living on the peninsula and people going to events at the Cow Palace use the traffic going south.
- Maybe the Discretionary Review requestors agreed to six units and a storefront. Also, the entrance to the garage should be in the back.
- If the Commission would make a site visit, they would see that there are no parking spaces.

**(-) Teng Chi Yeh – Discretionary Review Requestor**

- He lives near the project.
- He is opposed to the location of the project.
- The project is too large.
- The project will reduce air, privacy, views and property values.
- The building will contain twelve units and if three people occupy each unit, there will be at least 30 cars in the neighborhood.
- The developer does not live there so this person is only interested in their profit.
- The neighbors are worried about their quality of life.

**(-) Charlie Seto**

- The building is too high.
- There is no parking in the neighborhood.
- If a building is to be built it should be with half the number of units.

**(-) Mabel Seto**

- The houses in the neighborhood are only two levels.
- This construction will be four levels, which is too high.

**(-) Zi Sek Chen**

- The building will be too large.
- There are a lot of problems with parking in the area.

**(-) Russel Morine**

- His issue is the off-site inclusionary housing.
- This building is 100% affordable so it should be discussed further.
- A lot of the neighbors have not met with the project sponsor.
- Not everyone will agree but everyone should meet.

**(-) Jeremy Nelson – Transportation for a Livable City**

- He does not agree to reduce the units
- Light rail will be built soon so there is no need to reduce density.
- No one supports parking on sidewalks or parking in bike lanes.
- He urges the Commission to take Discretionary Review and work with the parking situation.
- The units could be deed restricted so that tenants would know that they would not be allowed to own a car.

**(-) name unclear**

- The building is too large.
- The houses in the neighborhood are only two levels.

**(-) Shawn Lee Paul**

- He lives in the rear of the proposed project.
- The building will be too large with no parking. This makes it quite dangerous.

**(+) Matthew Brennan**

- The standard for granting Discretionary Review is extraordinary circumstances. That is not the case here.
- This project will provide twelve residential units.
- These are off-site affordable units that provide affordable units to the City.
- There will be a small commercial space in keeping with the design of the other buildings in the neighborhood.

**(+) Marge Vincent**

- There have been efforts by the project sponsor to meet with Discretionary Review requestors and the members of the Visitation Valley Planning Alliance.
- There were several people who attended the meeting.
- The people in attendance requested various information, which they provided to them.
- Plans were revised to reflect the concerns of the neighbors who attended the meeting.
- They provided translated letters and provide a translator.

**(+) James Nunnemacher – Project Sponsor**

- This project is a fully affordable project.
- At least 90% of the properties have illegal units.
- Most of the mid-block is being used by parking, he imagines that this is illegal.
- The units will be sold.
- Shadows will be cast only to the north of the building.

**(+) Toby Morris – Project Architect**

- He showed a rendering and gave a general review of the architectural aspects of the project.
- They made many changes to deal with the issues the neighbors had.
- The access to the parking is completely conventional.

**(+) Phil Donahue**

- There are various buildings in the city that tower over other buildings.
- The site allows for affordability.
- The sponsor did have a neighborhood meeting.
- Housing should be built near transit corridors.
- If housing will be reduced in transit corridors, there will be no standards set for those areas.

ACTION: Took Discretionary Review and approved as modified: consisting of incorporating horizontal siding on the north side and incorporating more trim detail at the fourth floor at the front.

The Commission also required the project sponsor to have any proposal to use the subject project at 2428 Bayshore Boulevard in meeting the off-site affordable housing requirement of another project be reviewed and approved by the Planning Commission either through an entitlement already required for the other project, or through staff initiated Discretionary Review.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

21a. 2004.0526D (M. SNYDER: (415) 575-6891)

785 SAN BRUNO AVENUE - east side between 19th Street and 20th Street, Lot 018 in Assessor's Block 4075 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.10.29.8857, proposing to demolish a single story, single-family dwelling in an RH-2 (House, Two-family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

(Continued from Regular Meeting of November 4, 2004)

**SPEAKER(S):****(+) Joseph Bradford**

- He has six letters of support and one letter of withdrawal.
- He is available for questions.

**(+) Regan Carroll**

- He and his wife live on San Bruno Avenue.
- He submitted a letter stating their approval of the project.

- This is an ideal spot for the dwellings proposed.
- He commended the project sponsor for quickly responding to his requests.

ACTION: Did not take Discretionary Review and approved the project  
AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague  
ABSENT: W. Lee

- 21b. 2004.0923D (M. SNYDER: (415) 575-6891)  
785 SAN BRUNO AVENUE - east side between 19th Street and 20th Street, Lot 018 in Assessor's Block 4075 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential buildings in association with residential demolition, of Building Permit Application No. 2003.10.29.8854, proposing to construct a new three-story-over-garage two-unit building, in an RH-2 (House, Two-family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.  
(Continued from Regular Meeting of November 4, 2004)

SPEAKER(S): Same as those listed for Item 21a.  
ACTION: Did not take Discretionary Review and approved the project  
AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague  
ABSENT: W. Lee

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

#### Russell Moreen

- Visitation Valley is an active neighborhood.
- Neighbors just want to have dialogs with developers.
- He thanked the Commission for their time.

Adjournment: 9:23 p.m.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 17, 2005.**

SPEAKERS: None  
ACTION: Approved  
AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 2, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

FEB 14 2005

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PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Dwight Alexander; Michael J. Antonini, Shelley Bradford Bell,  
Kevin Hughes, Sue Lee; William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.**

**STAFF IN ATTENDANCE:** Dean Macris – Interim Director of Planning; Larry Badiner – Zoning  
Administrator; Elaine Tope; Dario Jones; Nora Priego – Transcription Secretary; Jonas Ionin – Acting  
Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0798D (M. SMITH: (415) 558-6322)  
2070 30<sup>TH</sup> AVENUE - east side between Pacheco and Quintara Streets, Lot 003M in Assessor's Block 2149 - **Request for Discretionary Review** of Building Permit Application No. 2004.01.26.4825, proposing to construct a two-story horizontal addition at the rear of a single-family dwelling, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to January 6, 2005)**

SPEAKER(S): None  
ACTION: Without hearing, item continued to January 6, 2005.  
AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Hughes

- 2a. 2004.0032D (J. PURVIS: (415) 558-6354)  
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - **Mandatory Discretionary Review**, under Planning Commission policy requiring

review of all housing demolition permits, of Demolition Permit Application No. 2002.10.17.9296, proposing the demolition of a one-story, single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending.

(Continued from Regular Meeting of October 21, 2004)  
(Proposed for Continuance to January 20, 2005)

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

- 2b. 2004.0033D (J. PURVIS: (415) 558-6354)  
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2002.10.17.9298, proposing the construction of a two-story single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Pending.  
(Continued from Regular Meeting of October 21, 2004)  
(Proposed for Continuance to January 20, 2005)

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

3. (M. FOSTER (415) 558 - 6362)  
OVERVIEW OF THE PROPOSED MID-MARKET REDEVELOPMENT PLAN AND SPECIAL USE DISTRICT - **Informational presentation** on the proposed Mid-Market Redevelopment Plan and SUD. Staff will provide an overview of the Plan's key goals and proposals, outline the key issues related to the proposed Special Use District, and describe the schedule for further Planning Commission review.  
Preliminary Recommendation: No Action  
(Continued from Regular Meeting of October 14, 2004)  
(Proposed for Continuance to January 20, 2005)

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

4. 2003.0228E (N. TURRELL: (415) 558-5995)  
519 ELLIS STREET/430 EDDY STREET - Assessor's Block 0334, Lots 28 and 8 - **Appeal of a Preliminary Mitigated Negative Declaration**. The proposed project involves the development of 46 senior housing units on two separate lots. A five-story, 22-unit, 13,919 gross-square-foot (gsf) building would be constructed at 519 Ellis Street, and a five-story, 24-unit, 13,600-gsf building would be constructed at 430 Eddy Street. Each structure would be about 50-feet tall, and would include one off-street, accessible van parking space. Both of the vacant parcels are located in the block between Hyde and Leavenworth Streets in the Tenderloin neighborhood of San Francisco. The 519 Ellis Street parcel is approximately 3,781 square feet (sf) in size, and the 430 Eddy Street parcel is about 3,575 sf in size. The parcels are zoned RC-4 (Residential-Commercial Combined Districts, High Density), and are in an 80-T height and bulk district, and are

located within the San Francisco Apartment/Hotel District. The proposed project would require conditional use authorization for construction over 40 feet in a residential district, and a variance for an exception to the rear yard, and exposure requirements.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration  
**(Proposed for Continuance to December 9, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

- 5a. 2004.0205EKCV (J. MILLER: (415) 558-6344)  
1218-1226 LEAVENWORTH STREET - east side between Sacramento and Clay Streets, Lot 23A in Assessor's Block 220 - **Request for Conditional Use Authorization**, for height in excess of 40 feet in an "R" District (48.5 feet proposed) in conjunction with the addition of a new floor (containing two dwelling units) to an existing three-story-over-basement residential building (resulting in seven units). The site is located in an RM-3 (Mixed Residential, Medium Density) District, and a 65-A Height and Bulk District.  
Preliminary Recommendation: Approval with conditions  
**(Proposed for continuance to December 16, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to December 16, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

- 5b. 2004.0205CEKV (J. MILLER: (415) 558-6344)  
1218-1226 LEAVENWORTH STREET - east side between Sacramento and Clay Streets, Lot 23A in Assessor's Block 220 - **Request for a Variance** from rear yard requirements of the Planning Code, for projection of a proposed new top (fourth) floor approximately 1.5 feet into the required rear-yard area (flush with the existing rear wall below), and for a new rear exit stair extending approximately 12 feet beyond the proposed rear building wall and extending from that new level to grade. The site is located in an RM-3 (Mixed Residential, Medium Density) District, and a 65-A Height and Bulk District.  
**(Proposed for continuance to December 16, 2004)**

SPEAKER(S): None

ACTION: Without hearing, item continued to December 16, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

6. 2004.0939TZ (P. LORD: (415) 558-6311)  
FILLMORE STREET ALCOHOL RESTRICTED USE DISTRICT - Consideration of an **Ordinance adding Section 249.29 to the Planning Code to create a Fillmore Street Alcohol Restricted Use District** prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending the Zoning Map Sheets 2SU of the City and County of San Francisco to indicate the boundaries of the Fillmore Street Alcohol Restricted Use District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
**WITHDRAWN**

SPEAKER(S): None

ACTION: Withdrawn

7. 2004.0666DD (S. SNYDER: (415) 558-6543)  
37 POWERS STREET - north side between Coleridge and Mission Streets; lot 6 in Assessor's Block 5518 - **Neighbor-initiated Discretionary Review** of Building Permit Application No. 2004.04.05.0592, proposing to construct vertical and horizontal additions to a single-family dwelling in an RH-2 (House, Two-family) District and a 40-X Height and Bulk District, and the Bernal Heights Special Use District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of November 4, 2004)

#### **DISCRETIONARY REVIEW APPLICATIONS WITHDRAWN**

SPEAKER(S): None

ACTION: Discretionary Review Application was Withdrawn.

8. 2004.0760DDDD (T. TAM: (415) 558-6325)  
4027-19<sup>TH</sup> STREET - south side between Noe and Hartford Streets, Lot 88 in Assessor's Block 3602 - **Request for Discretionary Review** for Building Permit Application No. 2003.05.20.5067S, to construct a two-story vertical addition to the existing one-story-over basement, two-unit dwelling. The project also proposes to convert the existing basement into habitable space and construct a new two-car garage. The property is located in the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of October 7, 2004)

(**Proposed for Indefinite Continuance**)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

### **B. COMMISSIONERS' QUESTIONS AND MATTERS**

9. Commission Comments/Questions

**Commissioner Bradford Bell:**

- She requested that today's meeting be adjourned in memory of Bob Werby. He is from Grosvenor Properties. She sat with him on the Environmental Commission. He was the most kind and generous person she has ever met. He was very supportive to the children at the Bay View Opera House. Mr. Werby passed away from a heart attack on Thanksgiving Day.

### **C. DIRECTOR'S REPORT**

10. Director's Announcements

**Re: Backlog**

- For the Chief Financial Officer position, there are three candidates that have been narrowed down.  
- Regarding the Planner III Environmental position, he hopes that by the end of the year, there will have been a selection. This will be a big step in dealing with the back log.  
- By February, the Department will have filled all of the vacant Planner classifications.

**Re: Consultants**

- There will be a 90 day analysis of the supply and demand of production, distribution and repair (PDR) services in the City.

- It was communicated to Supervisor Maxwell that staff will prepare land use recommendations for the Showplace Square in six months.

**Commissioner Antonini asked:**

- What is the process regarding Supervisor Maxwell's legislation?
- What is the status of projects in the pipeline?

**Director Macris Responded:**

- Supervisor Maxwell's legislation will be heard again in Committee on December 6 and voted on December 13. There is no way to predict the outcome.
- The period between now and the results of the analysis, the Director will be meeting with Paul Maltzer to bring projects before the Commission without putting the projects in jeopardy.
- He will keep the Commission informed on this.

**Zoning Administrator Badiner:***Re: Rincon Hill*

- It would be a good idea to schedule something in the future. He will be meeting with the Commission individually and will schedule something in mid January 2005.

11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS – None**

**BOA - None****D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Sue Hestor***Re: Reports*

- Annual Report of the Office Allocation report is due.
- She has not been successful in getting the information on this.
- She would like the Commission to ask staff when these reports will go out.

**REGULAR CALENDAR**

12. 2004.0649C (E. TOPE: (415) 558-6316)  
601-605 BAKER STREET - northwest corner of Baker and Fulton Streets, Lot 010 in Assessor's Block 1177 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 182(b)(1) and 710.44 to allow a change of use from retail (formerly "Baker's Market") to a Small Self-Service Restaurant ("Green Chili Kitchen") in one of two commercial spaces (classified as Limited Commercial Uses) on the ground floor of a mixed use building in an RM-1 (Residential, Mixed District, Low Density) and a 40-X Height and Bulk District. The other space is proposed to remain in retail use. Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):****(+) Shephard Logan**

- He has lived in this neighborhood for over 6 years.
- He originally had the idea of constructing a market with a deli that would serve food for take out with only a few tables and chairs.

- The food served and sold will be organic.
  - His target market is the neighborhood. He wants to offer something that is good for the northern panhandle.
  - He has had unanimous support.
  - This project will definitely not be a fast food restaurant.

(+) Mark Tosh – Project Architect

- The owner of the building is intending to restore the building to the original façade.
  - There will be upgrades done to the entire building.

(-) Erick Borquardt

- He lives on Baker Street, which is adjacent to the project site.
  - He has lived there for 30 years.
  - He is happy that there will be extensive rehabilitation to the existing building.
  - His only concerns are related to fumes, exhaust and noise.
  - He believes that there will be parking problems as well.

**ACTION:** Approved with the Condition that Project Sponsor put up a sign stating that parking is not be allowed in neighbor's driveways.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

**ABSENT:** Alexander and Hughes

MOTION: 16893

13. 2004.1029C (D. JONES: (415) 558-6477)  
41-47 (A.K.A #45) WEST PORTAL AVENUE - east side of West Portal Avenue between Vicente and Ulloa Streets, Lot 026 in Assessor's Block 2979A - **Request for Conditional Use Authorization** under Planning Code Sections 729.21, and 729.53 to establish a business or professional use (real estate office) on the ground floor within vacant retail space with a use size of approximately 3,600 square feet. The Project is to relocate an existing real estate office (Barbagelata Real Estate) from 314 West Portal Avenue to the subject property. The subject property is located within the West Portal Neighborhood Commercial District and within a 26-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

**SPEAKER(S):**

(+) Paul Barbagelata – Project Sponsor

- His company has been established in the area for 43 years.
  - They lost their lease and are in a month-to-month situation.
  - It is a relocation two buildings away.
  - Many of their employees take public transportation.
  - He has support from various businesses in the area.

(+) Jim Anderer

- He is a long term resident of West Portal.
  - He supports this request since Barbegalata has been a good neighbor.
  - He urges the Commission to approve this request.

(+) Shamaran Anderer

- She has been a resident of the area within walking distance of Barbegalata.
  - They have been very good neighbors and supports them in their move.

(+) John Cohen

- He lives and works in the area for 20 years.
  - This will be a great upgrade for the company and for the area.

(+) Fred Martin

- He lives a block away from West Portal.
  - He purchased his home through Barbagelata Realty.
  - He supports the move and the growth of the company

ACTION: Approve

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Hughes  
MOTION: 16894

14. 2003.0964C (G. NELSON: (415) 558-6257)  
1881 POST STREET - south side between Fillmore and Webster Streets; Lot 001 in Assessor's Block 0701 - **Request for Conditional Use** authorization pursuant to Section 712.83 of the Planning Code to install a total of fourteen antennas on the roof and related equipment in the basement of an existing 79-foot tall commercial structure, known as the Kabuki Theater, as part of Verizon Wireless' telecommunications network within an NC-3 (Moderate Scale-Neighborhood Commercial) District and a 65-A Height and Bulk District. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 2 as it is a co-location site. Sprint, Nextel and AT&T also have approved installations at this location.  
Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) James Singleton – Verizon Wireless

- The building is used as a movie theatre.
- There are existing carriers on the roof.
- The location meets the desirability of the installation.
- The equipment will not be visible to the public.
- There were community meetings and only 1 person attended.

ACTION: Approved

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

MOTION: 16895

15. 2004.0353C (G. NELSON at (415) 558-6257)  
2241 GEARY BOULEVARD (AKA 2130 O'FARRELL STREET) - south side between Broderick and Divisadero Streets; Lot 050 in Assessor's Block 1098 - **Request for Conditional Use** authorization pursuant to Section 712.83 of the Planning Code to install a total of 6 antennas on a rooftop penthouse and related equipment on the 6<sup>th</sup> floor parking deck of the approximately 70-foot tall Kaiser Hospital Parking Garage, as part of Sprint's telecommunications network within an NC-3 (Moderate Scale-Neighborhood Commercial) District and a 105-E Height and Bulk District. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 1 (most preferred) as it is a publicly-used structure. No other cellular carriers have installations at this location.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of October 21, 2004)

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

MOTION: 16896

16. 2004.0501C (G. NELSON: (415) 558-6257)  
2000 VAN NESS AVENUE - northeast corner at the intersection of Van Ness Avenue and Jackson Street; Lot 005 in Assessor's Block 0595 - **Request for Conditional Use** authorization pursuant to Section 209.6(b) of the Planning Code to install a total of four (4) antennas on the roof of an existing 110-foot tall commercial structure, known as the Medical Arts Building, as part of Nextel's wireless telecommunications network within an

RC-4 (Residential-Commercial Combined) District, the Van Ness Special Use District and an 80-D Height and Bulk District. Related equipment cabinets will be installed inside the garage level at the ground story. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 4 as it is a wholly commercial structure. Metro PCS and Sprint also have approved installations at this location.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of October 21, 2004)

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

MOTION: 16897

17. 1996.546E (N. TURRELL: (415) 558-5994)

BAYVIEW HUNTERS POINT REDEVELOPMENT PROJECTS AND REZONING - Public Hearing on Draft Environmental Impact Report - The proposed project is the San Francisco Redevelopment Agency's (SFRA) proposed Bayview Hunters Point (BVHP) Redevelopment Plan, and amendments to the India Basin Industrial Park (IBIP) and Bayview Industrial Triangle (BIT) Redevelopment Plans and rezoning in the Project Area. The Project Area is located in the southeastern quadrant of the City and County of San Francisco in the area generally bounded by Cesar Chavez Street to the north, US 101 to the west, San Mateo County to the south, and the San Francisco Bay to the east. The proposed redevelopment program would institute tax increment financing for the area added to the Hunters Point Redevelopment Project and for the Bayview Industrial Triangle Redevelopment Project, and would rezone land in the Bayview Hunters Point area. The total allocation of net new floor area within the Bayview Hunters Point Redevelopment Area would be approximately 2.2 million square feet by 2020. The potential mall at Candlestick Park would comprise approximately half of this new floor area and the remaining floor area would be spread throughout the activity nodes, with the Hunters Point Shoreline Activity Node receiving the greatest percentage of net new square footage. Approximately 6,200 net new employees would work in the Bayview Hunters Point Redevelopment Area. In addition, the Redevelopment Area would see an increase of approximately 3,600 new dwelling units by 2020. The northern section of the Project Area is zoned Light Industrial (M-1) and Heavy Industrial (M-2). The Third Street commercial corridor is zoned primarily Neighborhood Commercial (NC-3), with pockets of Light and Heavy Industrial zoning on the northern and southern edges of the corridor. Residentially zoned land is located east and west of Third Street. Residential, Industrial and Neighborhood Commercial zoning classifications are in the Hunters Point Shoreline area. Other pockets of Neighborhood Shopping zoning are along Gilman Avenue and along Hunters Point Boulevard and Innes Avenue. The southern portions of the Project Area generally are zoned Residential and Heavy Commercial, and Public within the Candlestick Point area.

Preliminary Recommendation: No action required.

Note: Written comments will be received at the Planning Department until 5:00 p.m. on December 10, 2004.

SPEAKER(S):

Francisco DeCosta – Environmental Justice Advocacy

- He works at the San Francisco Presidio.

- There are major changes made of over 9,000 parcels and 2,500 acres.

- The report has been very hastily prepared.

- There is very little reference proposed for the ethnicity of the area.

- African-Americans have contributed a lot to the area.
- He has always stressed for quality of life issues, transparency, etc. and these are not found in the document.

**Ron Morgan**

- He lives on Richland Avenue.
- He thanked the various organizations for this plan.
- The plan is comprehensive and impressive.
- The Bayshore Industrial corridor concerns him because it would create a new zoning category. This change promotes big box retail.
- He does not want to sound as if he were against the EIR. He just has some concerns about it.

**Barbara Kyle**

- He is not opposed or supportive of the plan, she just has concerns about the Bayshore area.
- She is concerned with creating a big box alley in the Bayshore area.
- The Cortland/Bayshore area was not included in the traffic impact section. This is important because it is a very high traffic area.
- Her other concern has to do with small businesses. There are a lot of small parcels in the area so there is no room for big box businesses.

**Angelo King – BVHP PAC Chair**

- He is part of the Bayview Hunters Point Committee.
- He has talked to the planners since he is not an expert.
- Home Depot has its own EIR that is why this should be considered separately.
- The EIR should be passed since it will be the first step in improving the area.

**Mike Hammon**

- He lives in the Bayview and has a business there.
- He also serves in the committee.
- There have been thousands of meetings, many hours of manpower, etc.
- They have encouraged people to get involved.
- It is not right to allow an "11<sup>th</sup> hour" derailment of this project.
- Every meeting he has attended the number one concern is jobs.
- This corridor has been designated as an economic opportunity.
- It is not right for some elite people on the hill to deny the neighborhood's best interest.

**Nic Griffin**

- She lives in Bernal Heights.
- She has a great deal of concern for the neighborhood.
- The new PDR large commercial zoning is not appropriate.
- The Bayview is flat and Bernal Heights is very "hilly".
- The traffic has greatly increased in Bernal Heights.
- Cortland will be one of the main routes to get to this new commercial district so this street is very important.
- She would hate to see this plan be stopped just because of one area but it is important to consider the area separately.

**Azalia Merrell – Carpenter's Union**

- She grew up in Bernal Heights.
- There are a lot of young people that are coming out of the Bayview Hunters Point area.
- This area is very important for it to have jobs created.

**Sue Hestor**

- She is representing Cole Hardware.
- It would be helpful to acknowledge that there are adjacent neighborhoods and not just freeways.
- There are issues that need to be dealt with in regards to Cortland Avenue and Bernal Heights.
- All the same Bayshore intersections need to be analyzed equally. Yet Cortland Avenue is not included in the document.

**Bree LeMaire**

- Her backyard over looks what used to be Goodman Lumber.
  - When Goodman Lumber moved out, the graffiti and the weeds moved in.
  - Cortland Avenue can manage any more traffic coming through.
  - There are trucks parked on Cortland Avenue so this causes traffic jams.
  - She wants to help to provide jobs but putting a big box there would not help.
  - There are a lot of small business owners that are doing very well there.

Mike Boss

- He is a resident of Bernal Heights and has a business there.
  - He is supportive of the economic redevelopment of Hunter's Point.
  - Neighbors have borders so Bernal Heights would greatly be impacted by big box retailers

Linda Richardson - Commissioner

- This plan has taken about nine years to develop and thousands of hours.
  - This is a very comprehensive plan.
  - She is very familiar with the development of the City.
  - This plan will help to revitalize an area that has been ignored for many years.
  - The Home Depot project has gone through a lot of scrutiny so the Bay View Hunter's Point should not be "held hostage".

1. You should not be held hostage  
**(first name unclear) Hutchinson**

- It does not matter what is built in the neighborhood. What is important is that people will be going to work.
  - It does not matter what nationality they are either.

**Charlie Waller**

- He is unhappy about this.
  - Bernal Heights cannot have it the way they want it all the time.
  - Bayview Hunters Point will exist whether Bernal Heights wants it or not. Home Depot will be good for the area because it will create jobs.

• Home Depot w/  
Aurelius Walker

- Aurelius Walker**

  - The majority of the people have spoken.
  - They support the Home Depot project.
  - It is important for people to look out for the Bayview Hunters Point project but it is not correct for people to speak for them.

ACTION: Hearing Held. No action required at this time.

18. 2004.1209U (J. LAU: (415) 558-6383)  
BAYVIEW INDUSTRIAL TRIANGLE REDEVELOPMENT PROJECT AREA - all or portions of Assessor's Blocks 5235, 5242, 5253, 5260, 5272, 5279; being generally bounded by Third Street, a mid-block line between Jerrold and Kirkwood Avenues, Phelps Street, and a mid-block line between Evans and Fairfax Avenues - The Commission will consider a resolution to **Endorse amendments to the Design for Development**, a document of the Bayview Industrial Triangle Redevelopment Project Area, as proposed by the Redevelopment Agency. The proposed amendments would 1) remove mandatory setback requirements; 2) reduce car parking and truck loading requirements consistent with the requirements in other redevelopment project areas and the Planning Code; 3) add new bicycling parking requirements; and 4) include new development standards along Third Street. These amendments were adopted by the Redevelopment Agency Commission at a hearing on November 9, 2004.

Preliminary Recommendation: Approve Draft Resolution

**SPEAKER(S):**

Michael Cohen

- This is an incredibly important project for the City of San Francisco.
  - The Redevelopment Agency and the Navy came to an agreement regarding this area.
  - They got incredible support from various senators.

- They negotiated this agreement over a year.
- The agreement became stronger and has served very well.
- This agreement will foster cleanup faster.
- They have received concerns from the various community members regarding the clean up including radiation clean up.
- The community benefits project will allow the entire community to participate in the redevelopment plan.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, W. Lee, S. Lee

ABSENT: Hughes and Olague

MOTION: 16898

19. 2004.1207DD (G. NELSON: (415) 558-6257)  
549 47<sup>th</sup> AVENUE - west side between Geary Boulevard and Anza Street, Lot 012 in Assessor's Block 1497 - **Requests for Discretionary Review** of Building Permit Application No. 2004.03.18.9001, proposing to construct a third-story vertical addition to the existing two-story single-family dwelling, in an RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and approve the project as modified.

SPEAKER(S):

**(-) Arthur Adams – 1<sup>st</sup> Discretionary Review Requestor**

- He and his wife have lived in their house for 8 ½ years.
- They are very active in their community.
- The understand, support and respect construction to their home so long as it does not disrespect the adjacent neighbors considerably.
- He submitted ten letters of people who are in support of Discretionary Review.
- They have had many communications with the project sponsor but have not been able to reach an agreement.
- They are concerned with a large shadow that will be cast on their home and their deck.
- The loss of sunlight will drastically impact their lives.

**(-) Karen Eng – 2<sup>nd</sup> Discretionary Review Requestor**

- Her concerns are related to the large windows on the property line since it will interfere with her privacy.
- She is in favor to construction to homes but such modifications should be respectful of neighbors and their private lives.
- The windows are not necessary by codes, they will purely be built for views.
- If the project is built, she will not have an opportunity to do any construction on her home.
- They are willing to compromise regarding the size, location and placement of the windows.

**(+) John Lum – Project Architect**

- He did speak to the southern neighbors about the property line windows, if someone builds up to the windows, the windows would have to be removed.
- Property line windows are not protected.
- Although the neighbors are against the third floor, there is a house across the street which is three stories.
- Regarding the shadow report, they did a diagram on how the house would be impacted by the sun. The project sponsor has already reduced the third floor and removed the back staircase to lessen the sunlight impact.
- The effect on the backyard is very minimal.

ACTION: Take Discretionary Review and Approve with the following modifications:  
1) remove the shower in the garage level; 2) provide a 3 foot chamfer at

3<sup>rd</sup> level; 3) Planning Commission would not favor a Discretionary Review to protect the properly line windows.

AYES: Alexander, Antonini, Bradford Bell, W. Lee, S. Lee, Olague

20. 2004.0837D (M. WOODS: (415) 558-6315)  
2405 OCTAVIA STREET - west side between Broadway and Pacific Avenue; Lot 5 in Assessor's Block 578 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2004.02.03.5401S, proposing to reduce the existing seven-unit building to a five-unit building in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

(Continued from Regular Meeting of October 21, 2004)

SPEAKER(S):

(+) David Silverman – Representing Project Sponsor

- The building only has five utility meters and five habitable units.
- If this application is approved, it will allow for the building to be restored to its original configuration, and improve the building.
- The project has full support of the neighborhood
- The project will preserve the neighborhood character.
- The project will also add parking which would bring it into conformance with the Planning Code.

(+) Pat Buskovich – Engineer

- There are various properties in the area that were allowed to have a merger.
- The quality of the housing units are substantially below the housing code.
- Perhaps these units below were used as storage units.
- There are various housing violations as well.

(+) John McCartle

- He is retired and has been in San Francisco since 1969.
- The units cannot be rented out because of the deterioration.
- There are various neighbors who are in support of the project.
- They live in the attic of the building and would like to live in a unit that is ample.

(+) Debra McCartle

- They are people that would like to live in a place that has more room.

(+) William Mandel

- He is a neighbor of the project sponsor.
- It is important to preserve housing but it is more important to preserve quality housing.

ACTION: Do not take Discretionary Review and Approve Merger

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

21. 2004.1167DD (R. CRAWFORD: (415) 558-6358)  
1310 STANYAN STREET - east side of a n undeveloped portion of Stanyan Street between Clarendon Avenue and Mountain Spring Avenue. Assessor's Block 2706 Lot 035 - **Request for Discretionary Review** of Building Permit Application No. 2004.07.15.8977, to construct a new single-family dwelling, three stories in height on a vacant parcel in an RH-1 (D) (Residential House, One Family, Detached) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005.  
AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague  
ABSENT: Alexander and Hughes

22. 2004.0361D (M. SMITH: (415) 558-6322)  
184 MAJESTIC AVENUE - east side between Summit and Lakeview Avenues, Lot 019 in Assessor's Block 7060 - **Request for Discretionary Review** of Building Permit Application No. 2002.07.24.2259, proposing to construct a two-story over garage single-family dwelling on a vacant lot, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project

SPEAKER(S):

(-) Ella Turner Gray – Discretionary Review Requestor

- She was never notified about this project.
- She received notification that the project was two stories over garage.
- The project applicant never made any proposals to her by way of mouth or written.
- Nowhere in the present document does it state that the modifications of the project actually are in compliance with the Residential Design Guidelines.
- This project will have a devastating affect on her light and her life.
- The project documents does state that the project could be lower.
- She would like the Commission to preserve the open space in the area.

(-) Edgar Boyer

- He lives across the street from the proposed project.
- He is opposed to the project because of the height.
- He read a letter from his neighbor who was able to come to the meeting but is opposed to the project.

(-) Barbara Brown

- She lives on Majestic Avenue.
- She is opposed to the project because it is too tall.
- This project will completely overshadow her house.
- She read a letter from a neighbor who could not come to the meeting and is opposed to the project.

(-) Jeff Logan

- He read a letter from neighbors who are against the project and live in the neighborhood.

(-) Louisha Gray

- She is opposed to the project.
- She also read a letter from a neighbor who is opposed to the project.

(-) Michael Wheeler

- He rents a house in the area.
- He considers this his permanent residence.
- The proposed project is right in his back yard.
- The project will cause traffic problems and will be very disruptive when the construction starts.

- His roommate sleeps during the day and this will be a problem.

(-) Hetty Lindberg

- She lives in the area.
- She is concerned that this house will be too large and will set a precedent.
- She lives very close to the project.

(-) Phillip Gray

- All of the issues and concerns of the neighbors have been stated here today.
- He displayed a photo of the proposed project and explained how the proposed project would tower over the other homes.

(+) Leal Sharmain – Project Architect

- He explained how there are various homes that are three stories over garage.
- He has tried to reduce the house as much as possible.
- The design is to transition from the lower story to the upper story.
- The intent is to have a five-foot setback in order to not have a blank wall.

ACTION: Hearing Held. Item continued to January 27, 2004 in order to allow for Project Architect to design a project that is more compatible with the neighborhood.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

23. 2004.1180D (M. SMITH: (415) 558-6322)  
852 CHENERY STREET - north side between Surrey Street and Lippard Avenue, Lot 066 in Assessor's Block 6732 - **Staff-Initiated Request for Discretionary Review** of Building Permit Application No. 2004.09.07.3511, proposing to construct a one-story horizontal addition and remove the Notice of Special Restrictions that was placed on the rear accessory cottage by the Planning Commission when it was constructed thereby allowing the owners to add a full bath and wet bar to the structure, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications

SPEAKER(S): None

ACTION: Take Discretionary Review and Approve the Project with Modifications:  
Add notice of Special Restriction to restrict this property to a single-family dwelling.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

24. 2004. 0899D (D. WASHINGTON: (415) 558-6443)  
1131 RIVERA STREET - south side between 21st and 22nd Avenues, lot 017A, Assessor's Block 2328 - **Request for Discretionary Review** of building permit application no. 2004.06.29.7535 to construct a two story rear horizontal addition to an existing single family residence located in an RH-1 (Residential, House, One-Family) Use District and 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve permit as proposed.

SPEAKER(S):

(-) Karen Siu – Discretionary Review Requestor

- She lives to the west of the subject property.
- The subject property will extend three feet from the property window of her home.
- When she looks out the window all she can see is her neighbor's wall.
- She is requesting that the Commission set back the building three feet or angle the back wall.

(-) Eileen Boken – SPEAK

- There are various properties that are significant architecturally.
- There has a lot of work that has been done to the property already.
- She viewed the permits that are on file and they show significant changes to the house.
- There are also inconsistencies with the permits and what is stated in the Discretionary Review report.
- She requested from the Commission to direct the project sponsor to return the front steps to the original specs and also require that they maintain the existing front windows, front door and garage doors as they are key elements to the architectural style of the house.
- Also, where are the permits for the exterior work?

**(+) Michael Hum – Project Sponsor**

- He displayed a photograph of an experiment he did regarding the shadow impact on his neighbor showing that there would be a slight shadow.
- Regarding the exterior work, everything will be replaced. It had been removed because of dry rot.
- He hopes that the Commission will approve the project.

ACTION: Do not take Discretionary Review and Approve Project with Conditions:  
confirm construction costs.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee, Olague

ABSENT: Alexander and Hughes

**6:00 P.M.**

**AT APPROXIMATELY 6:00 P.M. THE COMMISSION MAY CONSIDER THE FOLLOWING MATTERS PRIOR TO THE CONCLUSION OF THE REGULAR CALENDAR**

- 25a. 2004.0882EMZRU (P. MALTZER (415) 558-5977)  
**HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN** - Lot 10 in Assessor's Block 4591A - **Adoption of CEQA Findings** regarding General Plan Amendments, Planning Code Amendments (a Zoning Map amendment), a General Plan Referral, and an Inter-Agency Cooperation agreement related to the Hunters Point Shipyard Redevelopment Project.  
Preliminary Recommendation: Adopt CEQA Findings.  
(Continued from Regular Meeting of November 18, 2004)

**SPEAKER(S):**

**(+) Linda Richardson**

- They have worked diligently to identify the issues of this project.
- The shipyard stands as a model project.
- They are aware of all the elements that affect the development of the shipyard.
- She thanked past Mayor Willie Brown for putting this together.

**(+) Rev. Edgar Boyd**

- This project adds an opportunity to see a renaissance of the community.
- They are encouraging to give positive consideration for development of this project.
- This project has had unanimous approval from various City agencies.

**(-) Dr. Ahimsa Porter Sumchai – Chair Radiological HPS RAB**

- Environmental project require Environmental review before the project is considered.
- There are parcels in the area that have radiation-contaminated buildings.
- The EIR makes no mention of the fact of the radiation.

**(+) Michelle Senders – Office of Senator Fienstein**

- Phase 1 development should move forward without further delay.
- There will be jobs, infrastructure, homes, and assistance for first homebuyers, etc.
- The community will benefit the most from this project.

**(+) Charlie Walker**

- There are a lot of people in the audience that live in the area that has the highest levels of unemployment.
- All these people want to go to work.
- Approval of this project will start the journey to employment.
- He looks forward for the Commission to come to Hunters Point.

**(+) Sululagi Palega – Hunter's Point Boys and Girls Club**

- He has lived in the Hunters Shipyard for over 50 years.
- There is a high rate of violence in the community.
- He recommends that this project be approved.

**(+) Regina Davis – San Francisco Housing Development Corporation**

- The significance of the housing component is paramount.
  - She urged the Commission not to delay in approving this project.
- (+) **Al Dixon – San Francisco Small Business Development Center – City College**
- They have been talking about executing assistance for small businesses.
  - Small businesses are an engine for jobs.
  - They want to see the City and this community to move forward.
- (+) **Rev. Ted Frazier – BAPAC and Voice of Pentecost Church**
- He is in support of this project.
  - He has lived, worked and ministered in the area.
  - The spiritual needs can be better dealt with when the physical needs are met.
  - He is happy to hear that the clean up will continue when the project is approved.
- (+) **Dr. Veronica Hunnicutt – Dean of the South East Campus of City College**
- The naval shipyard presents an important part of the community.
  - There is excitement in the community when this project will be approved.
  - City College will partner with the various agencies to provide training for various areas.
- (+) **Rev. Arnold Townsend**
- He is one voice in many to approve this project.
  - This project needs to be moved quickly since there are a lot of good things that will come out of it.
  - The community does need to be vigilant so that everyone involved will do their job.
  - Jobs and business opportunities will be created if this is approved.
- (+) **Fred Jordan – F. E. Jordan Associates**
- This community has been the slowest community he has ever seen.
  - He urged the Commission to approve this project since it is ready to go.
- (+) **Olin Webb**
- His company does environmental cleanup.
  - He has lived in the area all his life.
  - Now is the time to make progress and approve this project.
  - They need to get everything that they can get from this project.
  - He will be part of the clean up crew and is anxious to train young men and women eager to work.
- (+) **Will Bass**
- He urged the Commission to move this project forward.
- (+) **Robert Foster**
- He is a member of the Bayview Rotary.
  - He is asking the community to seize the opportunity and approve this project.
  - This project allows room for innovation.
- (+) **Azalia Merrell – Carpenter's Union**
- She is a native San Francisco as well as a member of the Carpenter's Union.
  - It is important for people to have skills and therefore have opportunities to obtain jobs.
  - The jobs proposed with this project are permanent not temporary.
- (+) **George Davis – BVHP Senior Center**
- He asked the Commission to support this project.
  - His organization has been involved in the development of the area for more than 10 years.
  - This is a very important project for the community.
- (+) **Saul Bloom – AKC Ecology**
- He supports the passage of this project.
  - He has been involved for many years in the environmental clean up of the area.
  - He has been involved in negotiations in this matter.
  - He believes that the project is very safe.
- (+) **Willie Kennedy – Site Office of the Redevelopment Agency**
- She does not want the Commission to close the light that has shown in the Hunters Point area.
  - There is opportunity for everyone as long as there are jobs, housing, etc.
- (+) **John Scott**

- He lives in the Bayview as well as works there.
- He agrees with everyone that has spoken tonight to pass this project.
- This is a time and opportunity to make a change.

**(+) Myles Stevens - Architect**

- The Bayview and the Shipyard are not entirely built and this project would be the beginning.
- The music needs to be brought back to this area.
- The clean up has been done and is safe.

**(+) Mel Lee**

- He encouraged the Commission to approve this "win-win" situation.
- For everyone, this is a project that needs to be approved.

**(+) William Fox**

- He was born in the Bayview area.
- He started a company in the Bayview, which has been going strong for 15 years.
- There were a lot of promises made and he would like to see these promises take place.
- This project will benefit small businessmen like him.

ACTION: Approved  
AYES: Alexander, Antonini, W. Lee, S. Lee  
ABSENT: Hughes and Olague  
EXCUSED: Bradford Bell  
MOTION: 16899

- 25b. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The Commission will consider a resolution to **Adopt Proposed Amendments to the South Bayshore Area Plan and other elements of the General Plan** under the provisions of Sections 340 and 306.3 (b)(3) of the Planning Code. The amendments are necessary to find in conformity the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project. The General Plan amendments include amendments to the Residence, Commerce and Industry, Recreation and Open Space, Transportation, Urban Design, Community Facilities, Community Safety, Arts, and Air Quality Elements of the General Plan, and the Land Use Index. The proposed amendments to the General Plan were initiated at a public hearing on October 21, 2004.  
Preliminary Recommendation: Approve Draft Resolution.  
(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): See Speakers for Item 25a.  
ACTION: Approved  
AYES: Alexander, Antonini, W. Lee, S. Lee  
ABSENT: Hughes and Olague  
EXCUSED: Bradford Bell  
MOTION: 16900

- 25c. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The Commission will consider a resolution to **Adopt Proposed Amendments to the Planning Code (maps 9 and 9H of the Zoning Map)** under the provision of Section 306.3(b)(2) of the Planning Code. The proposed amendments would revise Zoning Maps 9 and 9H to reference the Hunters Point Shipyard Redevelopment Plan as the document that will regulate the land use of the Hunters Point Shipyard Redevelopment Area. The proposed amendments to the Zoning Map were initiated by the Planning Commission at a public hearing on October 21, 2004.  
Preliminary Recommendation: Approve Draft Resolution.  
(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): See Speakers for Item 25a.

ACTION: Approved

AYES: Alexander, Antonini, W. Lee, S. Lee

ABSENT: Hughes and Olague

EXCUSED: Bradford Bell

MOTION: 16901

- 25d. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - The General Plan Referral includes General Plan conformity findings on (a) the Hunters Point Shipyard Redevelopment Plan, (b) vacation and sale of undeveloped public rights-of-way (paper streets) within the Hunters Point Redevelopment Project Area, and (c) a subdivision ordinance for the site. Individual subdivisions would be subject to separate General Plan referrals to the Planning Department, in the future.

Preliminary Recommendation: Approve Draft Resolution finding the Project (a, b, and c) in conformity with General Plan.

(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): See Speakers for Item 25a.

ACTION: Approved

AYES: Alexander, Antonini, W. Lee, S. Lee

ABSENT: Hughes and Olague

EXCUSED: Bradford Bell

MOTION: 16902

- 25e. 2004.0882 EMZRU (D. ARGUMEDO (415-558-6284))  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - Request for Adoption of a Motion authorizing the Planning Department to enter into an Inter Agency Cooperation Agreement with the San Francisco Redevelopment Agency and other City Departments to assist in reviewing permits, approvals and agreements within the Hunters Point Shipyard Redevelopment Area.

Preliminary Recommendation: Approve Draft Motion

(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to December 9, 2004

AYES: Alexander, Antonini, W. Lee, S. Lee

ABSENT: Hughes and Olague

EXCUSED: Bradford Bell

## F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or

- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JANUARY 27, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Bradford Bell



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 9, 2004

DOCUMENTS DEPT.

FEB 14 2005

1:30 PM

Regular Meeting

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Dwight Alexander; Michael J. Antonini, Shelley Bradford Bell,  
Kevin Hughes, Sue Lee; William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** None

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.**

**STAFF IN ATTENDANCE:** Dean Macris – Interim Director of Planning; Larry Badiner – Zoning  
Administrator; Jim Miller; Glenn Cabreros; Rick Crawford; David Alumbaugh; Joshua Switzky; Nora  
Priego – Transcription Secretary; Linda Avery – Commission Secretary

### A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.1169C (C. NIKITAS: (415) 558-6306)  
1251 THOMAS AVENUE - west side between Ingalls and Hawes Streets, Lot 030, in Assessor's Block 4807 - **Request for Conditional Use** authorization to operate a fenced vehicle storage yard and towing business as defined in Sections 223(t) & (u), pursuant to Section 249.15(b)(2), located on a site in an M-1 (Light Industrial) zoning district and the Restricted Light Industrial Special Use District and a 40-X height and bulk district.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to January 6, 2004)January 20, 2005**

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to January 20, 2004.

**AYES:** Antonini, Alexander, Bradford Bell, Hughes, S. Lee, W. Lee

**ABSENT:** Olague

### B. COMMISSIONERS' QUESTIONS AND MATTERS

2. Commission Comments/Questions

**Commissioner W. Lee:***Re: Hunter's Point Shipyard project*

- This project was heard last week.
- The next day after the case was approved, there was an article in the newspaper stating that many of the speakers who testified on this case received \$10.00 for their testimony.
- To his understanding those who were paid did not testify.
- Those people did not have any bearing on their (the Commission's) vote to approve the project.

*Re: Cases at the Planning Department*

- He received information from sponsors stating that some projects have been filed with payment since June and these have still not been assigned a planner.
- He wants to know how many projects have been filed with payment and have not been assigned a planner.

**C. DIRECTOR'S REPORT****3. Director's Announcements***Re: Balboa Plan from Better Neighborhoods*

- The RFP is out and the closing date for that is December 28, 2004. Staff will hold interviews and make a selection by January 7, 2005.

*Re: Merging of Computers between DBI and Planning*

- It is important to do this efficiently.
- There was a meeting last week to prepare for taking the first steps of this merger.
- This housekeeping matter will improve the computer systems.
- A third party will be hired to analyze both systems and determine how they should be merged.

**4. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS –****Land Use Committee***Re: Haight Street Neighborhood Commercial District*

- The Committee supported legislation that imposes Conditional Use on formula retail in the Haight Street Neighborhood Commercial District. The Committee voted unanimously to recommend this legislation to the full Board of Supervisors.

*Re: Hunters Point Redevelopment Plan*

- This had its first reading last Tuesday and will have its second reading this coming Tuesday.

*Re: Interim Controls on Lower Potrero Hill and Showplace Square*

- This item was also unanimously recommended to the full Board but with a few changes: 1) Projects in the pipeline prior to November 23, 2004, will be allowed to continue with their environmental review; 2) ensure that there is a draft EIR by December 1, 2005; 3) hold committee hearings every eight weeks on the Department's progress and two weeks prior to these committee hearings the Department must submit a detailed progress report; 4) To update the 1998 economic analysis. Staff has told the Board that this analysis will be completed in 90 days. This analysis will be incorporated into the Land Use Analysis of San Francisco's diverse PDR sectors in lower Potrero Hill.

*Re: Ordinance to Recover Costs for EIRs:*

- This item went to the Finance Committee.
- It is now sponsored by Supervisor McGoldrick.
- This ordinance sets up a process where the total cost incurred by the Department in preparing an area plan, including the cost of an EIR, is associated with that area plan.

The total cost of that area plan is then divided by the number of the maximum build out alternatives analyzed in the EIR.

- The hope is to recover 100%.

**BOA –**

*Re: 144 Willard North Street*

- The Commission heard this on May 27, 2004.
- The Commission disapproved the project.
- The Board of Appeals voted to overturn the Commission's denial.

*Re: Explanation of DBI Code on fire escapes*

- He has requested this information from DBI. It will be in Commissioner's packets next week.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Bob Wheeler**

*Re: Board of Appeals item*

- He attended the Board of Appeals meeting last night.
- He testified and made a request for jurisdiction for the property under construction at 193 Lower Terrace.
- The Board acknowledged that there was a problem and will be researching this week.
- He is requesting that the two building permits that have been issued be suspended and that a third permit be filed for the work underway.
- The neighbors have not had a chance to voice their concerns about the true scope of the construction.
- The building currently under construction violates the Planning Code. The neighbors have a right to know the true scope of work.

**David Cornheim – Central City Progressive**

- The MTA is suggesting a parcel tax.
- People are very concerned with the widening of MLK Drive.
- Criminal action should be taken against the people who were paid to testify for the Hunter's Point Shipyard projects.
- He would like to see the legislation on chain stores approved.
- He and many neighbors are against the Albertson's on Fulton and Masonic.
- He proposes a ban on this site because there should not be chain stores.

**Kate White**

*Re: Dean Macris*

- She welcomed Dean Macris to the Department and thanked him for accepting the position.

***Re: 18<sup>th</sup> and Alabama***

- She asked for the status of this project.
- The Housing Coalition endorsed this project because it is in a transit rich location. The project includes a large PDR component and has extensive neighborhood support.
- The failure of Proposition A has left affordable housing with the question of whether it can be funded.

- Citizens Housing has a deadline and she is concerned that the EIR will delay the project.
- This project has tremendous consensus. Citizens Housing has a great track record.
- She encouraged the Commission to find out about this.

**Commissioner Olague:**

- She asked staff about the status of this project.

**Acting Director Macris responded:**

- Staff is trying to find out a way to move this project forward.
- Staff will provide information on the status of this project next week.

**E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

***Re: 1353-1355 Bush Street and 835 Hyde Street*****Randy Shaw – Director of the Tenderloin Housing Clinic**

- This is a very important project to approve.
- He hopes that the Commission will approve the project.

**David Brown**

- He has discussed his issues with the project sponsor.
- He hopes that the Commission will not approve the project.
- He discovered that there was construction work going on after 10:00 p.m.
- The music on the alley can still be heard.
- He urged the Commission to not approve this project.

**Patricia Glasky**

- She lives on Post Street.
- She requested denial for this project at this location.

**Karla Rossi – Property Manager of a Building on Sutter Street**

- She is opposed to the project because of the noise.
- No one has talked to her and no one has left her a note.
- She also has seen construction work going on.

**Robert Garcia – Save Our Streets**

- This project should be turned down.
- The neighborhood is saturated.
- It does not make sense. This project has not been well thought out.

**Robert Pender – SF Tenants Network**

- He is here to support all the projects that increase housing.

**Michael Yarne – Farella, Braun and Martel**

- He requested a continuance and has submitted a letter on the matter.
- The project sponsor is willing to work so that this project receives neighborhood support.

**Sue Hestor – Speaking for Alliance Frances**

- She will agree to the continuance
- The project sponsor should take all the issues that the neighbors have very seriously.
- Musicians are very noisy so this needs to be dealt with.

**CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

- 5a. 2004.0130CV (J. MILLER: (415) 558-6344)  
1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in an the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Request for Conditional Use** authorization for use size in excess of 3,000 square feet for a music training facility ("Music City"), with a Full-Service Restaurant and Bar with live entertainment, open after hours (between 2:00 and 6:00 A.M.) also requiring a Variance for off-street parking and usable open space for an upper-floor group-housing use.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting November 18, 2004)

**NOTE:** On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the Project Sponsor to continue discussing issues with neighbors. Public comment remained open.

**NOTE:** On September 23, 2004, without a hearing, the item was continued to October 28, 2004.

**NOTE:** On October 28, 2004, without a hearing, the item was continued to November 18, 2004.

**NOTE:** On November 18, 2004, the Commission entertained a motion of intent to disapprove by a vote +6-0. Commissioner William Lee was absent. Final Language: December 9, 2004.

SPEAKER(S): None

ACTION: Tabled at the call of the Chair.

- 5b. 2002.0130CV (J. MILLER: (415) 558-6344)  
1353-1355 BUSH STREET - south side between Larkin and Polk Streets, with additional frontage on Fern Street, Lot 13 in Assessor's Block 669, in the Polk Street Neighborhood Commercial District ("NCD") and a 65-A Height and Bulk District - **Off-Street Parking and Usable Open Space Variances** sought in conjunction with the conversion of existing tourist hotel rooms to group housing (residential hotel rooms) and for a Full-service Restaurant and Bar and music training facility ("Music City") with no off-street parking and no outdoor open area.

(Continued from Regular Meeting of November 18, 2004)

**NOTE:** The Acting Zoning Administrator continued this item to September 23, 2004. Public comment remained open.

**NOTE:** On September 23, 2004, without a hearing, the item was continued to October 28, 2004.

**NOTE:** On October 28, 2004, without a hearing, the item was continued to November 18, 2004.

**NOTE:** On November 18, 2004, the Zoning Administrator closed the Public Hearing with an intent to disapprove the Variance. Final Language: December 9, 2004.

SPEAKERS(S): None

ACTION: Zoning Administrator continued the item indefinitely.

6. 2002.0129C (J. MILLER: (415) 558-6344)  
835 HYDE STREET - west side between Bush and Sutter Streets, Lot 3 in Assessor's Block 279, in an RC-4 (Residential Commercial Combined, High Density) District and a 130-E Height and Bulk District - **Request for a Conditional Use** authorization for a Tourist Hotel (conversion of 31 "residential" hotel rooms, being consolidated at another location, to "tourist" rooms) with no off-street parking.
- Preliminary Recommendation: Approval with Conditions
- (Continued from Regular Meeting November 18, 2004)

NOTE: On July 22, 2004, following public testimony, the Commission continued the matter to September 23, 2004 instructing the Project Sponsor to continue discussing issues with neighbors. Public comment remained open.

NOTE: On September 23, 2004, without a hearing, the item was continued to October 28, 2004.

NOTE: On October 28, 2004, without a hearing, the item was continued to November 18, 2004.

NOTE: On November 18, 2004, the Commission entertained a motion of intent to disapprove by a vote +6-0. Commissioner William Lee was absent. Final Language December 9, 2004.

SPEAKER(S): None

ACTION: Approved

AYES: Alexander, Antonini, Hughes, W. Lee, Olague, S. Lee, Bradford Bell

MOTION: 16903

## G. REGULAR CALENDAR

7. 2004.0683D (G. CABREROS: (415) 558-6169)  
2812 WASHINGTON STREET - north side between Divisadero and Scott Streets, Lot 012 in Assessor's Block 0979 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application 2004.05.12.3625 proposing to reduce five dwelling units to three units within a four-story building in an RH-2 (Residential House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Merger.

(Continued from Regular Meeting of October 28, 2004)

SPEAKER(S):

(+) Alexander Sidle

- He has been the owner of the building for over 20 years.
- The building was originally constructed as a single-family home.
- The building is vacant.
- Several years ago the building had significant damage because of construction work done to an adjacent building.
- Work to restore the building will be done at the time of the construction for the merger.
- The architectural integrity of the building will be retained.

ACTION: Did not take Discretionary Review and approved the merger.

AYES: Alexander, Antonini, Bradford Bell, S. Lee; W. Lee, Olague

NAYES: Hughes

8. 2004.1103D (R. CRAWFORD: (415) 558-6358)  
849 SANCHEZ STREET - East side of Sanchez Street at Hill Street. Assessor's Block 3620 Lot 049 - **Request for Discretionary Review** of Building Permit Application No. 2004.0723.9652, to fill in an 8.5 foot by 17 foot recess on front façade of the building in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

SPEAKER(S):

(-) Don Wilson – Discretionary Review Requestor

- This house has been sited for absolute beauty.

- The City is currently working on a Draft Preservation Element for the General Plan.
- Because of the beauty of this house, it will definitely be included in the Preservation Element.
- The project consists of major exterior changes that will eliminate the beauty of the house.
- The expansion plans will double the square footage of the house.
- It seems that the word compromise is not being considered by the Project Sponsor.
- This project should not be approved.

(-) **Web Hill**

- He has lived in the area for about 45 years.
- This house has significant architectural value and he would like to see that the exterior of the house is not changed.
- Some form of compromise should be considered.

(-) **Lester Thayer**

- He has lived in the area for 22 years.
- If this project is approved, it will make the subject house abut the house next door.
- This house is quite popular and many people have stopped to photograph it.

(-) **Clair (last name unclear)**

- Style, beauty and grace are an important part of San Francisco.
- This corner is visited quite often. Movies are filmed there.
- Boxes seem to be built more often.
- The project would allow significant exterior changes and this would be a loss.
- She has tried to speak to the project sponsor but there have been no agreements.

(-) **Monika Henschke, MD**

- She lives on Sanchez Street.
- She is very disheartened about this project.
- Style, beauty and grace are very important to San Francisco.
- This house is mentioned in a lot of tourist books of the City.
- Adding two bays would change the entire look of the house.

(+) **Steve Gray**

- There is an illegal unit at this house that needs to be removed.
- The owner wants to add space to the house.
- The project sponsor has spent two years to come to a final design.
- They have done everything possible to maintain the design style.
- He requested that the Commission deny the Discretionary Review.

(+) **Bruce McKenzie**

- He has known the project sponsors for many years.
- He has seen the designs.
- He lives one door down and has no problems with the design.

ACTION: Did not take Discretionary Review and approved the project

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

9. 2004.1223D (M. SNYDER: (415) 575-6891)  
369 HARKNESS AVENUE - south side between Rutland and Goettingen, Lot 046 in Assessor's Block 6177, - **Staff Initiated Discretionary Review** of Building Permit Application No. 2004.06.07.5742 proposing to construct a two-story horizontal addition at the rear, within a RH-1 (Residential House, One-family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve Project with Modifications.

SPEAKER(S): None

ACTION: Without hearing, item continued to January 13, 2005.  
AYES: Alexander, Hughes, S. Lee, W. Lee, Olague  
ABSENT: Antonini and Bradford Bell

10. 2004.0882 EMZRU (D. ARGUMEDO: (415) 558-6284)  
HUNTERS POINT SHIPYARD REDEVELOPMENT PLAN - Lot 10 in Assessor's Block 4591A - Request for Adoption of a Motion authorizing the Planning Department to enter into an Inter Agency Cooperation Agreement with the San Francisco Redevelopment Agency and other City Departments to assist in reviewing permits, approvals and agreements within the Hunters Point Shipyard Redevelopment Area.  
Preliminary Recommendation: Approve Draft Motion  
(Continued from Regular Meeting of December 2, 2004)

SPEAKER(S):

(+) Joan Sakaya – Redevelopment Agency

- She is available for questions.

(+) Robert Foster – Founding Member of the Bay View Rotary

- He is very concerned about the Hunters Point Bay View communities.

- He urges the Commission to expedite the process and break ground.

(+) Will Bass

- He hopes that the Commission will move this to the next level. This has been going on for many years.

- There are a lot of people who need these jobs.

(+) Ellouise Patton – Young Community Developers

- This project will provide many opportunities to many people.

- This creates a base for economic enhancement.

- She encouraged the Commission to look in favor of this project.

(+) Azalia Merrell – United Brotherhood of Carpenters

- She would very much like to see this project approved.

- This is a very important project for the neighborhood. It will enable them to progress economically.

- This project will allow the first-time apprentices to afford the homes.

(+) Jim Salinas – Carpenter's Union

- He has been involved in the discussions and is delighted to say that the discussions are going well.

- This project means good things for the residents of the Hunters Point Bay View area.

- He requested from the Commission move this project forward.

ACTION: Approved with the following amendment: Add the following to the draft Resolution: Further Resolved: that the approval of this interagency cooperation agreement is with the understanding that it applies only to the Phase I area.

AYES: Alexander, Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell

MOTION: 16908

11. 2004.0882U D. ARGUMEDO: (415) 558-6284), S. SHOTLAND: (415) 558-6308  
DESIGN FOR DEVELOPMENT, HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT - Proposed endorsement of amendments to the Design for Development, Hunters Point Shipyard Redevelopment Project, endorsed by the Planning Commission by Resolution No. 14447 on August 28, 1997.  
Preliminary Recommendation: Endorsement

SPEAKER(S): Same as those listed for Item 10.

ACTION: Approved endorsement

AYES: Alexander, Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Bradford Bell  
MOTION: 16904

- 12a. 2004.055EMR (D. ARGUMEDO: (415) 558-6284)  
TRANSBAY REDEVELOPMENT PLAN - All, or portions of, Assessor's Blocks 3718, 3719, 3720, 3721, 3736, 3737, 3738, 3739, 3740, 3749 and 3764; being generally the area bounded by Mission, Main, Folsom and Second Streets, together with a portion of the block bounded by Howard, Spear, Folsom and Main Streets, and a portion of the block bounded by Folsom, First, Harrison and Second Streets. The Commission will consider a resolution to **Adopt CEQA Findings** regarding General Plan Amendments, and a General Plan Referral related to the Transbay Redevelopment Project.  
Preliminary Recommendation: Approve the Draft Resolution Adopting CEQA Findings

SPEAKER(S):

(+) Maria Ayerdi – Executive Director of the Transbay Joint Powers Board

- The project will benefit various cities in the Bay Area. It will improve air quality, etc.
- The project will build a new neighborhood where currently there is surface parking.
- There will be six levels to the development.
- The new terminal will change the face of San Francisco.

(+) Mike Grisso – Project Manager

- This plan will generate hundreds of millions of dollars.
- This project will create a new neighborhood.
- This project has engaged in an extensive community process.
- The new neighborhood will have nearly 3,400 homes surrounding the new Transbay Terminal.
- The new neighborhood will be transit-oriented.
- All new housing will separate the parking cost from residential units.
- He hopes that the Commission will approve this project.

(+) Howard Strassner – Sierra Club

- They support this project.
- They support the zero requirements for parking.
- These are great projects but the parking should be reduced.

(+) Hope Whitney – Farella, Braun and Martel

- The Transbay documents that will be official and controlling will be cleaned up.
- She requested that the Commission require staff to confirm that the Design for Development is not a controlling document and that the Commission's action will not give the Design for Development any legal status.

(+) Paul Radulovich – Transportation for a Livable City

- Many aspects of this plan are extraordinary.
- The parking ratio should go down.
- There is certainly a market for units without parking.

(+) Peter Hartman

- He lives on one side of the project.
- There are various risks like financing, marketability, etc.
- Context, this project plans something new for San Francisco.

(+) Clark Manus

- This process has been going on since 1994.
- He encouraged the Commission to stay with the opportunities that this project brings and move forward.
- He is very anxious to see people use transit and walk.

(+) Reed Bement – Transbay CAC

- He lives on Folsom Street.
- He has an office in the Transbay area.
- He urged the Commission to support the matters today and move this forward.

- He urged the Commission to pass the matters today.

(+) Robert Meyers – Transbay CAC

- He has been serving on the Transbay Citizens Advisory Committee since 1992.
- He strongly supports the measures before the Commission.
- People own cars in California. Many people will walk to work but on the weekends people will use their cars.

- He supports the parking measures for this project.

(+) Norman Rolf – San Francisco Tomorrow/Member of the Transbay CAC.

- He has been a member of the Transbay CAC for the past 12 years.

- This is a very important project.

- Regarding parking: the way it is set up is the maximum.

- City Car share is going to be a part of all this.

- There is a good possibility that parking could be reduced.

- This project is going to be a great addition to the City.

(+) Azalia Merrill

- She is a carpenter and a native San Franciscan.

- This project allows carpenters to find work but also for the Union to work together with apprenticeship organizations.

- Once people are employed, they receive weeklong trainings every four to six months for a period of four years.

- Her first job through the City is why she became a successful carpenter.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16905

- 12b. 2004.055EMR (D. ARGUMEDO: (415) 558-6284)
- TRANSBAY REDEVELOPMENT PLAN - All, or portions of, Assessor's Blocks 3718, 3719, 3720, 3721, 3736, 3737, 3738, 3739, 3740, 3749 and 3764; being generally the area bounded by Mission, Main, Folsom and Second Streets, together with a portion of the block bounded by Howard, Spear, Folsom and Main Streets, and a portion of the block bounded by Folsom, First, Harrison and Second Streets. The Commission will consider a resolution to **Adopt Proposed Amendments to the General Plan** under Planning Code Sections 340 and 306.3 (b) (3). The proposed General Plan amendments include amendments to the Transportation, Recreation and Open Space, and Urban Design elements, and the Downtown, South of Market, and Rincon Hill Area Plans. The amendments are necessary to find in conformity the Redevelopment Plan for the Transbay Redevelopment Project Area. The Proposed amendments to the General Plan were initiated by the commission at a public hearing on November 18, 2004.

Preliminary Recommendation: Approve the Draft Resolution

SPEAKER(S): Same as those listed for Item 12a.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16906

- 12c. 2004.055EMR (D. ARGUMEDO: (415) 558-6284)
- TRANSBAY REDEVELOPMENT PLAN – The General Plan Referral includes General Plan conformity findings on the Transbay Redevelopment Plan and its companion documents (the Development Controls and Design Guidelines, and the Design for Development).

Preliminary Recommendation: Approve the Draft Resolution finding the Transbay Redevelopment Plan and its companion documents in conformity with the General Plan as amended.

SPEAKER(S): Same as those listed for item 12a.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Olague

RESOLUTION: 16907

13. 2004.0632R (D. ARGUMEDO (415) 558-6284)  
WESTERN ADDITION REDEVELOPMENT PLAN, GENERAL PLAN REFERRAL ON - WESTERN ADDITION PROJECT AREA A-2 REDEVELOPMENT PLAN AMENDMENTS  
- Pursuant to Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code, **Consideration of the General Plan Conformity findings of Amendments to the Western Addition Project Area A-2 Redevelopment Plan.**  
Preliminary Recommendation: Approve the Draft Resolution finding the Amendments are, on balance, in conformity with the General Plan.

SPEAKER(S): None

NOTE: Item on calendar in error. Item will be heard on December 16, 2004.

14. 2004.1132ZR (T. TAM: (415) 558-6325)  
2350-19th AVENUE - east side between Taraval and Santiago; Lot 004G in Assessor's Block 2347 - **Request for a zoning map amendment** to allow rezoning of the subject property from P (Public) to RH-2 (Residential House, Two-Family) District.  
Preliminary Recommendation: Approval

SPEAKER(S):

(-) Eileen Boken

- She is not in agreement with this proposal.
- She read a statement from the Golden Gate Beacon regarding this matter.
- The City is looking at selling surplus property.
- She believes that this property should stay as public use.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16909

15. 2004.1132ZR (T. TAM: (415) 558-6325)  
2350-19th AVENUE - east side between Taraval and Santiago; Lot 004G in Assessor's Block 2347 - **Request for a General Plan referral** to allow rezoning of the subject property from P (Public) to RH-2 (Residential House, Two-Family) District and sale of the surplus property, with the proceeds deposited into the budget for the City.  
Preliminary Recommendation: Approval

SPEAKER(S): Same as those listed for Item 14.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 16910

16. 2003.1263E (T. CHAN: (415) 558-5982)  
333 FREMONT STREET - Public Hearing on Draft Environmental Impact Report - Assessor's Block 3747, Lot 19 - The proposed project is an 85-foot-tall, eight-story, residential building of approximately 131,340 gross square feet (gsf) consisting of 88 dwelling units and about 88 underground parking spaces. Two existing two-story

buildings on the site, which total approximately 30,417 square feet, would be demolished. The 329-333 Fremont Street building, constructed in approximately 1930, contains a basement level, which is accessible from a driveway on Zeno Place. The smaller, 347-349 Fremont Street Edwin W. Tucker & Co. building constructed in 1913 is a rated historic structure on the California Register of Historic Resources. The project site is located about mid-block on the eastern side of Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from the south side of the building from a courtyard facing Fremont Street. The site is within the existing Rincon Hill Special Use District/Residential Sub-District, the RC-4 (Residential/Commercial High-Density) zoning district, and a 200-R height/bulk district, and within the proposed Rincon Hill Mixed Use District, and the proposed 350-R height/bulk district.

Preliminary Recommendation: Receive Comments. No action required.

**Note: Written comments will be received at the Planning Department until 5:00 p.m. on December 14, 2004.**

SPEAKER(S):

(+) Reed Bement – Rincon Hill Homeowners Association

- His association has been involved with the development of Rincon Hill.
- The plans are a result of a very open neighborhood process.
- They do not agree with the entire plan. There is much of it that is good.
- This project is pedestrian oriented.
- The question of what height and bulk is acceptable in the Rincon Hill has not been answered.

(+) Andrew Brooks – 201 Harrison Street/Baycrest Residential Association

- The project does not include family units.
- The EIR should provide for an alternative floor plan.
- It is important that the family units be mapped as 3-bedroom units.
- The project should allow owners the freedom to rent out the third unit as a stand alone 1 bedroom unit, until such time as the owner would need the third bedroom to accommodate an expanding family unit or other needs.
- Housing for families is a crucial element in building a new community at Rincon Hill.

(+) Richard Kaufman

- He encouraged the Commission to approve this project.
- The project provides much needed housing. It provides both private and public open space.
- This project is not a tower.

ACTION: No Action Required.

17. 2003.0228E (N. TURRELL: (415) 558-5994)  
519 ELLIS STREET/430 EDDY STREET - Assessor's Block 0334, Lots 028 (south side between Hyde and Leavenworth Streets) and 008 (north side between Hyde and Leavenworth Streets) - **Appeal of a Preliminary Mitigated Negative Declaration** - The proposed project involves the development of 46 senior housing units on two separate lots. A five-story, 22-unit, 13,919 gross-square-foot (gsf) building would be constructed at 519 Ellis Street, and a five-story, 24-unit, 13,600-gsf building would be constructed at 430 Eddy Street. Each structure would be about 50-feet tall, and would include one off-street, accessible van parking space. Both of the vacant parcels are located in the block between Hyde and Leavenworth Streets in the Tenderloin neighborhood of San Francisco. The 519 Ellis Street parcel is approximately 3,781 square feet (sf) in size, and the 430 Eddy Street parcel is about 3,575 sf in size. The proposed project would require conditional use authorization for construction over 40 feet in a residential district, and

variances for rear yard and exposure requirements. Both parcels are in an RC-4 (Residential-Commercial Combined, High Density) District, an 80-T height and bulk district, the North of Market Residential Special Use District #2, and the San Francisco Apartment/Hotel District, an unadopted survey area.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration  
(Continued from Regular Meeting of December 2, 2004)

SPEAKER(S): None

ACTION: Upheld the Preliminary Negative Declaration

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16911

18a. 2003.0228EKCV (K. AMDUR: (415) 558-6351)

**519 ELLIS STREET** - south side between Hyde and Leavenworth Streets, Lot 028, in Assessor's Block 0334 - **Determination of Compliance under the California Environmental Quality Act**, as described in the Final Mitigated Negative Declaration dated October 16, 2004 for the development of 22 senior housing units on an existing vacant lot used as surface parking. A five-story, 22-unit, 13,919 gross-square-foot (gsf) building would be constructed at 519 Ellis Street. The structure would be about 50-feet tall, and would include one off-street, accessible van parking space. The proposed project would require conditional use authorization for construction over 40 feet in a residential district, and a variance from the rear yard and dwelling unit exposure requirements. The subject parcel is zoned RC-4 Residential-Commercial Combined Districts, High Density), is within the North of Market Residential Special Use District #2 and is in an 80-T height and bulk district.

Preliminary Recommendation: Adopt the CEQA Findings

SPEAKER(S): None

ACTION: Approved adoption of CEQA findings.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

MOTION: 16912

18b. 2003.0151EKCV (K. AMDUR: (415) 558-6351)

**519 ELLIS STREET** - south side between Hyde and Leavenworth Streets, Lot 028, in Assessor's Block 0334 - **Request for a Conditional Use authorization** for a building exceeding 40 feet in height, to construct a 5-story, approximately 47-foot tall building, with 22 senior affordable housing units and one parking space on the subject lot, currently used as a parking lot. Conditional Use authorization is required in this District for a building exceeding 40 feet in height. Requests for variances from rear yard and dwelling unit exposure requirements will be considered concurrently by the Zoning Administrator. The property is located in an RC-4 Zoning District, the North of Market Residential Special Use District #2, and an 80-T Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None

ACTION: Approved with the following amended conditions of approval: delete item 1e and replace with the following language: 1e. That based upon the whole record, including the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby finds that the FMND reflects the independent judgment and analysis of the Commission, is adequate and complete, and there is no substantial evidence that the proposed Project could have a significant effect on the environment as shown in the

analysis of the Negative Declaration. The Commission hereby adopts the FMND.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague  
MOTION: 16913

- 18c. 2003.0151EKCV (K. AMDUR: (415) 558- 6351)  
519 ELLIS STREET - south side between Hyde and Leavenworth Streets, Lot 028, in Assessor's Block 0334 - **Request for Variances** from rear yard and dwelling unit exposure requirements for a new 5-story, approximately 47 foot-tall building with 22 senior affordable housing units and one parking space on the subject parcel, which is currently used as a parking lot. The property is located in an RC-4 Zoning District, the North of Market Residential Special Use District #2, and an 80-T Bulk District.

SPEAKER(S): None

ACTION: The Zoning Administrator closed the Public Hearing and Granted the Variances.

- 19a. 2003.0228CVE (K. AMDUR: (415) 558-6351)  
430 EDDY STREET - north side between Hyde and Leavenworth Streets, Lot 008, in Assessor's Block 0334 - **Determination of Compliance under the California Environmental Quality Act**, as described in the Final Mitigated Negative Declaration dated October 16, 2004, for the development of 24 senior housing units on an existing vacant lot used as surface parking. A five- story, 24- unit, 13,600 gross-square-foot (gsf) building would be constructed at 430 Eddy Street. The structure would be about 50-feet tall, and would include one off-street, accessible van parking space. The proposed project would require conditional use authorization for construction over 40 feet in a residential district, and a variance from the rear yard and dwelling unit exposure requirements. The subject parcel is zoned RC-4 Residential-Commercial Combined Districts, High Density), is within the North of Market Residential Special Use District #2 and is in an 80-T height and bulk district.

Preliminary Recommendation: Adopt the CEQA Findings

SPEAKER(S): None

ACTION: Approved adoption of CEQA findings.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague  
MOTION: 16914

- 19b. 2003.0145CVE (K. AMDUR: (415) 558- 6351)  
430 EDDY STREET - north side between Hyde and Leavenworth Streets, Lot 008, in Assessor's Block 0334 - **Request for a Conditional Use authorization** for a building exceeding 40 feet in height, to construct a 5-story, approximately 47-foot tall building, with 24 senior affordable housing units and one parking space on the subject lot, currently used as a parking lot. Conditional Use authorization is required in this District for a building exceeding 40 feet in height. Requests for variances from rear yard and dwelling unit exposure requirements will be considered concurrently by the Zoning Administrator. The property is located in an RC-4 Zoning District, the North of Market Residential Special Use District #2, and an 80-T Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague  
MOTION: 16915

- 19c. 2003.0145CV (K. AMDUR: (415) 558-6351)  
430 EDDY STREET - north side between Hyde and Leavenworth Streets, Lot 028, in Assessor's Block 0334 - **Request for Variances** from rear yard and dwelling unit exposure requirements for a new 5-story, approximately 47 foot-tall building with 24 senior affordable housing units and one parking space on the subject lot, which is currently used as a parking lot. The property is located in an RC-4 Zoning District, the North of Market Residential Special Use District #2, and an 80-T Bulk District.

SPEAKER(S): None

ACTION: The Zoning Administrator closed the Public Hearing and Granted the Variances.

20. 2004.0925C (M. LI: (415) 558-6396)  
431 COLUMBUS AVENUE - west side between Green and Vallejo Streets, Lot 026 in Assessor's Block 0131 - **Request for conditional use authorization** to add a full bar (Type 47 ABC license) to an existing full-service restaurant (d.b.a. "Panta Rei"). No expansion of the building or the existing commercial space and no extension of the hours of operation, are proposed. The site is within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None

ACTION: Approved with Standard Conditions of Approval

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16916

- 21a. 2001.0249EKCV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 007 in Assessor's Block 0226 - **Determination of Compliance under the California Environmental Quality Act**, as described in the Final Mitigated Negative Declaration for the addition of one four-story residential unit to an existing 2-story commercial building. Conditional Use authorization is required for the construction of a building greater than 35 feet tall in this zoning district. Both parking and a rear yard/site coverage variances would be required and will be considered concurrently by the Zoning Administrator. Required open space would be provided on a rooftop terrace. The site is in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District.  
Preliminary Recommendation: Adopt the CEQA Findings  
(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S):

(+) Tom Brown – Project Manager

- This project started in 2001.
  - He thanked staff for all their help.
  - The project sponsor has always wanted to work in the area.
  - They did not know that the building was historic.
  - The design of the project will respect the architecture of Chinatown.
- (-) Erin Grucz
- Heritage is concerned about the scope of the project.
  - One of the contributing elements of the project is its small scale relation to the settings.
  - The roofline of the proposed addition is not consistent with the heights of the surrounding buildings.

- The transom was a defining element of the historic building and should not be left to interpretation.
- The historic glazed masonry replicated for repair purposes should not be utilized on the new addition.
- The addition setback is too shallow and upper stories should not project over the historic parapet.

ACTION: Hearing Held. Item Continued to February 10, 2005, to address design concerns. The public hearing was closed but will remain open to any design changes.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

- 21b. 2001.0249EKCV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 007 in Assessor's Block 0226 - **Request for a Conditional Use authorization** for a building exceeding 35 feet in height. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building, would cover the entire small site. No parking would be provided. Both parking and a rear yard/site coverage variances would be required and will be considered concurrently by the Zoning Administrator. Required open space would be provided on a rooftop terrace. The site is in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): Same as those listed for item 21a.

ACTION: Hearing Held. . Item Continued to February 10, 2005, to address design concerns. The public hearing was closed but will remain open to any design changes.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

- 21c. 2001.0249EKCV (K. AMDUR: (415) 558-6351)  
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7 in Assessor's Block 226 - **Request for a Variances** for rear yard/site coverage and parking for a building. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. The addition, like the existing commercial building, would entirely cover the small lot, where 75% maximum site coverage is permitted as of right. No parking is proposed, where one new space is required. The site is in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District.  
(Continued from Regular Meeting of November 18, 2004)

SPEAKER(S): Same as those listed for item 21a.

ACTION: Hearing Held. The Zoning Administrator continued the matter to February 10, 2005.

- 22a. 2003.1162EC (J. MILLER: (415) 558-6344)  
2351 POWELL STREET – west side between North Point and Bay Streets, with additional frontage on Stockton and Mason Streets, all of Assessor's Block 31 (Lots 1, 3 and 4) within a C-2 (Community Business) District and a 40-X Height and Bulk District,

and all of Assessor's Block 32 (Lots 1 and 2) and Lot 3 in Assessor's Block 33, within an RM-3 (Mixed Residential, Medium Density) District and a 40-X Height and Bulk District, and all within the Northern Waterfront Special Use District No. 2 - **Determination of Compliance under the California Environmental Quality Act**, as described in the Final Mitigated Negative Declaration for modification of an existing Planned Unit Development to permit the conversion of approximately 75,000 gross square feet of vacant office space to approximately 72 dwelling units.

Preliminary Recommendation: Adopt CEQA Findings

SPEAKER(S):

(+) Aline Astornas

- The building was built in 1923.
- The building has gone through various owners and some physical changes.
- The exterior of the building will not change other than the addition of some new windows to comply with energy efficiency.
- She has managed the building for the past 17 years.

(+) Gerry Crawley – Telegraph Hill Dwellers

- They support the project and welcome the additional housing.
- The only issue they have is the lack of open space.
- They have asked the project sponsor to make a contribution to the existing open space in the neighborhood.

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: W. Lee

MOTION: 16917

- 22b. 2003.1162EC (J. MILLER: (415) 558-6344)
- 2351 POWELL STREET - west side between North Point and Bay Streets, with additional frontage on Stockton and Mason Streets, all of Assessor's Block 31 (Lots 1, 3 and 4) within a C-2 (Community Business) District and a 40-X Height and Bulk District, and all of Assessor's Block 32 (Lots 1 and 2) and Lot 3 in Assessor's Block 33, within an RM-3 Mixed Residential, Medium Density) District and a 40-X Height and Bulk District, and all within the Northern Waterfront Special Use District No. 2 - **Request for authorization of a Conditional Use** for modification of a Planned Unit Development to convert approximately 75,000 square feet of existing office space to approximately 74 dwelling units, requiring an exception to otherwise-applicable Planning Code standards for usable open space. Code requirements for parking are met under existing conditions. Part of the site is in a C-2 (Community Business) District and part within an RM-3 (Mixed Residential, Medium Density) District, and all subject lots are within a 40-X Height and Bulk District and the Northern Waterfront Special Use District No. 2.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for item 22a.

ACTION: Approved with Amendments:

- 1) On Page 5, Finding D, language should be deleted and the following language shall be added: Project would be beneficial addition to the Northern Waterfront. Project would not provide any on site residential open spaces. The only location to do so would be on the roof which would require extensive and infeasible structural and elevator upgrades. Instead, Project Sponsor has agreed to work with the City to provide an appropriate open space solution to address the increase demand for open spaces by project residents.

2) Add the following Condition: Project Sponsor shall provide or cause to be provided nearby open space or improve nearby open space in lieu of the approximately 5,700 sf of common required on site residential open space, in a manner to be reviewed and approved by the Zoning Administrator or demonstrate infeasibility of doing so to the Zoning Administrator. The Zoning Administrator shall report to the Planning Commission how the Project Sponsor plans to meet this condition prior to the issuance of the site and building permits.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague  
ABSENT: W. Lee  
MOTION: 16918

- 23a. 2004.1047XC (A. LIGHT: (415) 558-6254)  
72 ELLIS STREET - north side between Powell and Stockton Streets, Lot 011, in Assessor's Block 0327 - Request to amend the conditions of approval on a Determination of Compliance, to extend the performance period for an additional three years for a previously approved project, requiring Determinations of Compliance and Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk district, a bulk exception, and a height exception for a vertical extension to allow construction of an 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant on a site currently used as a surface parking lot, located in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None  
ACTION: Approved  
AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague  
ABSENT: W. Lee  
MOTION: 16919

- 23b. 2004.1047XC (A. LIGHT: (415) 558-6254)  
72 ELLIS STREET - north side between Powell and Stockton Streets, Lot 011, in Assessor's Block 0327 - Request to amend the conditions of approval on a Conditional Use authorization, to extend the performance period for an additional three years for a previously approved project, requiring Conditional Use authorization to allow construction of an 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant on a site currently used as a surface parking lot, located in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None  
ACTION: Approved  
AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, Olague  
ABSENT: W. Lee  
MOTION: 16920

24. 2003.0807CEK (G. NELSON: (415) 558-6257)  
606-624 DIVISADERO STREET AND 1278 HAYES STREET - northeast corner of Divisadero and Hayes Streets; Lot 002J in Assessor's Block 1202 - Request for Conditional Use authorization pursuant to Sections 711.11, 711.56, and 303 of the Planning Code to construct two mixed-use buildings on Divisadero Street and one all-

residential building on Hayes Street after the demolition of an approximately 12,000 gross-square-foot (gsf) assembly building (currently a vacant Church and before that the Harding Theater). The entire project would include 18 dwelling units, 18 off-street parking spaces, and approximately 5,000 gsf of commercial space (considered "Other Retail" per Section 790.102 of the Code) in three buildings that would each be four stories, approximately 46 feet in height. Conditional Use authorization is required to 1) develop a lot greater than 9,999 square feet, and 2) combine all 18 sub-grade parking spaces on one lot (fronting Hayes Street). The L-shaped lot would be split into three smaller lots, two fronting on Divisadero Street, each containing a mixed-use structure, and one lot fronting onto Hayes Street containing a residential structure. The project site is zoned NC-2 (Small-Scale Neighborhood Commercial) and is within a 65-A height and bulk district.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Bruce Bauman

- This location was used as a church for about 35 years.
- The lot will be subdivided into three lots.
- The height limit is 65 feet and the proposed buildings are 46 feet in height.
- There are two below market-rate units.
- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, Olague

ABSENT: Alexander and W. Lee

MOTION: 16921

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission Secretary:

- She mentioned that she received a call from Ms. Edith McMillan who stated that she is thankful to the Commission for having Public Comment twice on the agenda -- once in the beginning and once at the end.

Adjournment: 7:52 p.m. In honor of Edith McMillan

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 10, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague



# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 16, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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**COMMISSIONERS PRESENT:** Michael J. Antonini, Kevin Hughes, Sue Lee, William L. Lee, Christina Olague

**COMMISSIONERS ABSENT:** Dwight Alexander and Shelley Bradford Bell

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:35 p.m.

**STAFF IN ATTENDANCE:** Dean Macris – Interim Director of Planning; Larry Badiner – Zoning Administrator; Nora Priego – Transcription Secretary; Linda Avery – Commission Secretary

**A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0458E (J. NAVARRETE: (415) 558-5975)  
566 SOUTH VAN NESS AVENUE - Appeal of Preliminary Negative Declaration - The proposed project would include demolition of an existing 4,344 gross-square-foot, one-story retail/commercial building and rear storage building and construction of a five-story, 50-foot-tall mixed-use building which would contain 32 residential units on the second through fifth floors and retail/commercial use on the ground floor. The residential use would be 27,491 gross square feet (gsf) in area, and the retail/commercial space would be 4,344 gsf in size. The ground floor and basement levels would include 32 parking spaces designated for the residential use with ingress and egress from South Van Ness Avenue. The ground floor would contain the commercial space and residential lobby. The 12,253-square-foot site is located within the C-M (Heavy Commercial) zoning district and within a 50-X height and bulk district. The proposed project requires a conditional use authorization for residential use in the C-M district.  
**(Proposed for Continuance to January 20, 2005)**

**SPEAKER(S):** None

**ACTION:** Without hearing, item continued to January 20, 2005

**AYES:** Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Alexander and Bradford Bell

2. 2004.0560E (J. NAVARRETE: (415) 558-5975)  
**785 BRANNAN STREET - Appeal of Preliminary Negative Declaration** - The proposed project is the construction of a five-story, approximately 50-foot tall, 29,653 gross-square-foot (gsf) residential building with 56 single room occupancy (SRO) units. The ground floor would contain a lobby, a manager's office, a community room for the residents and 8 SROs. The second through fifth floors would include 12 SRO units on each. No off-street parking or off-street loading would be provided. A 900-square-foot roof deck would be provided as common usable open space meeting the requirements of the Planning Code. The project site is 6,124 square feet in size and currently used as a 20-space surface parking lot, located on the northeast corner of Brannan Street and Gilbert Street in the South of Market District. Pedestrian access to the building lobby and the community room would be through one door mid-lot on Brannan Street. All of the units would be rental units designated as permanently affordable to households with income not exceeding 50% of the City's median income. The project site is zoned SLI (Service Light Industrial) and is within a 50-X height and bulk district. Conditional Use authorization is required for SRO units in the SLI district, and parking, rear yard, and permitted obstruction variances would be required for the proposed project.  
**(Proposed for Continuance to January 20, 2005)**

SPEAKER(S): None

ACTION: Without hearing, item continued to January 20, 2005

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Alexander and Bradford Bell

## B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Commission Comments/Questions

### **Commission Secretary:**

- In the special hearing at 12:30 today the Sub Committee decided to hold an Executive Session on January 6, 2005, which will begin at 12:00 noon in room 421. The discussion will consist of reviewing applications for Director of Planning position.

### **Commissioner Antonini:**

*Re: Rincon Hill EIR*

- He as well as the other Commissioners has received a lot of correspondence on this item.
- Many of the comments address the fact that when the project comes back before the Commission it should include the comments and issues that the Commission and the public have expressed.

### *Zoning Administrator Badiner responded:*

- There are a lot of concerns with the Rincon Hill Plan. Staff plans to sit with Commissioners on an individual basis to go over the plan and explain it in detail.
- The public hearing will be scheduled in the middle of January.

### *Interim Director Macris responded:*

- The Zoning Administrator responded to this issue because he (Dean Macris) has to excuse himself because of previous involvement on this project.

### **Commissioner Olague:**

- When the Commission sees projects that are zoned M-1 or are being proposed for housing, she would like to see some background information from Long Range Planning staff.

- When Senior housing projects come before the Commission, she would like to know what are some of the amenities located around the project. What is the neighborhood character, etc.

**Commissioner S. Lee***Re: 785 Brannan Street*

- This project was continued today to January 20, 2005. Will the project be heard that same day also?
- She has some questions on SROs and their appropriateness.

**Commissioner Olague:**

- Has Supervisor Amiano introduced legislation on defining SRO housing to include low income housing?

*Zoning Administrator responded:*

- He is not that familiar with the legislation but knows that there is an affordability component on SROs.

**C. DIRECTOR'S REPORT****4. Director's Announcements***Interim Director Macris responded:**Re: Supervisor Maxwell's legislation*

- This came before the Board on Tuesday and it was adopted as interim controls on an +1/-0 vote.
- This type of legislation is usually less than unanimous, so this vote was surprising.
- This action was taken with an amendment that would exclude some projects on 17<sup>th</sup> street.
- The interim controls, which to some extent is a moratorium, would deal with projects that were filed after November 23, 2004. The projects that were exempted were projects that were filed prior to November 23, 2004. The projects in environmental review will continue with the review.
- Included in the legislation are provisions that include:
- A 90-day analysis that includes the supply and demand of PDR space. This analysis is underway. There is no reason to believe that it will not be completed by the 90 days. Pending the outcome of this, there will be an analysis of what this information is saying, particularly in the Showplace area.
- He is pleased that this has happened this way.

**Commissioner Olague:**

- What do the amendments consist of?

*Zoning Administrator responded:*

- - The original language of the ordinance, even before it got to the Board said no project that is not in conformity with these controls can even be subject to environmental review.
- Supervisor Maxwell said that the permits could not be processed but can continue with environmental review in order to not put a total hold on things.

**5. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
BOS – None****BOA – None**

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Richard Marquez:***Re: Affordable Housing*

- Will the City build more affordable housing?
- How will the Commissioners respond to this question?
- Before the holiday break, the question to meditate on is: Can the public and the Commission together initiate a new conversation on inclusionary zoning and off-site requirements?
- If 12% is not enough, can this go higher?

**Kate White***Re: 18<sup>th</sup> and Alabama Affordable Housing*

- She spoke about this a few weeks ago asking for a status report on this and nothing has been said.

*Interim Director Macris responded:*

- There are 60 cases to be assigned to a planner. This number is growing and not shrinking.
- This is one of the reasons why there is no information on the above mentioned project.

*Zoning Administrator responded:*

- Staff is trying to take care of priorities.
- Code complying projects take priority over non-complying projects.
- In May/June, Citizen's Housing applied for an environmental application, as well as Conditional Use and text and map changes for the Alabama project.
- If PDR is not replaced on a 1 to 1 basis, then a cumulative examination of the loss of PDR needs to be done.
- The Maxwell interim controls need to be examined as well.

*Interim Director Macris responded:*

- This is an excellent project.
- The danger is that these folks have funding from the State. If too much time passes, the funds will be lost.
- This is a project that is replacing truck parking.
- He will be speaking with the City Attorney to find a way to speed things up because of the importance of the project.

**Commissioner Hughes:***Re: Backlog*

- Is 5 months an excessively long wait for a Variance?

*Zoning Administrator responded:*

- He recalls that recently it would take about 2 months to process a Variance.
- He feels that there is an increase in the amount of wait time.

*Interim Director Macris:*

- He requested that a work program and workload discussion be scheduled on future calendars.

**Commissioner S. Lee:**

- She feels this is an excellent idea.

*Interim Director Macris responded:*

- The Mayor came to the Planning Department to meet with staff yesterday.

**Commissioner Antonini:***Re: Replacing the PDR Space*

- Is there a difference in replacement whether or not the last or existing PDR firm is not operating or is not even there?

*Interim Director Macris responded:*

- There is no distinction that could be made.

*Zoning Administrator responded:*

- He thinks that there is some discussion on the policies regarding vacancies. He believes that it is three years.

**Commissioner W. Lee:**

- It is important for the Commission to know if other agencies are slowing down the process of projects, and if there are issues that the Commission should know about.

**E. REGULAR CALENDAR**

6.

2004.0632R (D. ARGUMEDO (415) 558-6284)  
WESTERN ADDITION REDEVELOPMENT PLAN, GENERAL PLAN REFERRAL ON - WESTERN ADDITION PROJECT AREA A-2 REDEVELOPMENT PLAN AMENDMENTS  
- Pursuant to Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code, **Consideration of the General Plan Conformity findings of Amendments to the Western Addition Project Area A-2 Redevelopment Plan.**

Preliminary Recommendation: Approve the Draft Resolution finding the Amendments are, on balance, in-conformity with the General Plan.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT: Alexander and Bradford Bell

RESOLUTION: 16922

7a. 2004.0205EKCV (J. MILLER: (415) 558-6344)  
1218-1226 LEAVENWORTH STREET - east side between Sacramento and Clay Streets, Lot 023A in Assessor's Block 0220 - **Request for Conditional Use Authorization**, for height in excess of 40 feet in an "R" District (48.5 feet proposed) in conjunction with the addition of a new floor (containing two dwelling units) to an existing three-story-over-basement residential building (resulting in seven units). A request for a Variance from rear yard requirements will be heard concurrently by the Zoning Administrator. The site is

located in an RM-3 (Mixed Residential, Medium Density) District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of December 2, 2004)

SPEAKER(S):

**(+) John Sanger – Sanger and Olson**

- He submitted letters from neighbors who are in support of the project, maps, photomontages, etc.
- He displayed a site map showing the relation with the neighbors who have rear yards. Even with the addition of the building it will not create shadows.
- The project sponsor is willing to remove the stair penthouse and in lieu, extend the extension of the rear yard stair to the roof, if the Zoning Administrator approves this.

**(-) Ray Shiek**

- He has provided a letter to the Commission regarding the height and bulk of the proposed project.
- For consideration is maintaining the character of the overall building mass from the rear view of the properties.
- They are requesting that because of the Variance, there should be a limitation on the building height.
- They are not saying that they don't want the 4<sup>th</sup> floor, but there should be some limitations on the back stair.

**(-) John Shiu**

- They had some concerns about how this building will change the character of the neighborhood.
- The neighborhood is on a slope.
- Most all of the buildings in the area are two to three floors.
- They are concerned about the precedent this project will create.
- They have suggested many recommendations to the project sponsor that are still within the Planning Code, but the overall concern is the character of the neighborhood.

**(-) Elizabeth Kronig**

- There is a level of concern by the neighbors.
- The back side is the only area that is open. She will get an impact on light and air with this building.

**(+) Kyle Holeman**

- They purchased the building knowing that there was a 65 foot limit.
- He lives in the back unit with his wife.
- He hopes to add units to the building.
- He hopes there is neighborhood consent on this project because he and his wife will be living there.

**(-) Garth McNab**

- He lives on Clay Street around the corner from the subject project.
- His number one concern is that should the property be altered, this should not be precedent for other properties that will want to add floors in the future.
- If this does, the quality of the neighborhood will then be changed.
- He is also concerned about the parking in the neighborhood.
- This area is very difficult to find parking because many properties do not have garages.
- Parking should be allowed in the building.

ACTION:      Approved as Modified: parking spaces: 6 with up to 8 (2 of which are tandem)

AYES:      Antonini, Hughes, S. Lee, W. Lee, Olague

ABSENT:      Alexander and Bradford Bell

MOTION:      16923

- 7b. 2004.0205EKCV (J. MILLER: (415) 558-6344)  
1218-1226 LEAVENWORTH STREET - east side between Sacramento and Clay Streets, Lot 023A in Assessor's Block 0220 - **Request for a Variance**, for an obstruction of a new rear wall, constructed over the existing wall below, extending 18 inches into the required rear yard, and for construction of a new exit stair in the rear yard. The site is located in an RM-3 (Mixed Residential, Medium Density) District, and a 65-A Height and Bulk District.  
(Continued from Regular Meeting of December 2, 2004)

SPEAKER(S): Same as those listed for item 7a.

ACTION: Zoning Administrator closed the public hearing and granted the Variance (which includes the extension of the new rear stair to the roof). The Zoning Administrator shall review any further additions.

F. PUBLIC COMMENT

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NONE

Adjournment: 3:16 p.m.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 10, 2005.**

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee, Olague

EXCUSED: Alexander and Bradford Bell

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